

1 4.9 PROVISIONS TO ENCOURAGE THE DEVELOPMENT OF AFFORDABLE HOUSING IN DENNIS

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3 4.9.1. **PURPOSE AND AUTHORITY.**

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5 The purpose of Section 4.9 is to further the goal of encouraging various lot sizes and housing types for
6 persons of various age and income levels in accordance with Massachusetts General Laws, Chapter 40A,
7 Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable year-
8 round housing, and furthermore for the purpose of:

9 a.) helping people who, because of rising land, -material and housing prices, have been
10 unable to obtain suitable housing at an affordable price and,

11 b.) maintaining a stable economy by preventing out-migration of residents who provide
12 essential services.

13 c.) to provide an alternative option to the Commonwealth controlled process commonly
14 known as 40B that is faster, less-expensive and allows for more local control.
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16 For the purposes of creating Affordable Housing under this bylaw (4.9) there are several methods and Sub-
17 Sections with different requirements for creating new units. These include:

- 18 1. Affordable Housing Rental Apartment(s) (Note: Apt.s Accessory to Commercial Uses folded in);
19 2. Conversion of Hotel and Motels to Year-Round Affordable Housing (4.9.#);
20 3. Affordable Housing Complex (4.9.#);
21 4. Municipally Sponsored Affordable Housing Projects (4.9.#).
22 5. Affordable Lots (4.9.#);

23 Other methods to create affordable residential units include the following:

- 24 A. § 4.11 Accessory Dwelling Units.
25 B. Security Apartment (§ 2.2.2 – Use Regulation Schedule and § 5 – Definitions)
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27 The Planning Board is hereby designated the special permit granting authority (SPGA) for all Affordable
28 Housing Development and Affordable Housing Apartment applications under this by-law (§ 4.9), and shall
29 have the power to hear and decide applications for special permits as provided by this section. The
30 Planning Board may adopt regulations for carrying out its duties under this By-law. Unless otherwise
31 specified, aAt least 25% of all housing units created under Section 4.9 shall be year-round, deed-restricted
32 Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction and Regulatory
33 Agreement) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the
34 required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to
35 select eligible tenants. All housing units created under Section 4.9 shall be year-round housing units.- At
36 least 25% of the total number of bedrooms within any Affordable Housing Development shall be within
37 said restricted housing units.

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39 4.9.1.1 **PROJECT APPROVAL REQUIREMENTS.** The Planning Board shall consider the following
40 factors in determining whether to approve or deny a special permit under this By-law:

- 41 a) whether the applicant has conformed to the design standards of this By-law and will deliver the
42 needed affordable units; (To be refined from DPVC (§7) and WDVZD (§8) Dev. Standards)
43 b) whether the development, density increase or relaxation of zoning standards has a material,
44 detrimental effect on the character of the neighborhood or Town and is consistent with the
45 performance standards of the Dennis Zoning By-law. (To be refined and include: water
46 conservation standards; energy efficiency; environmental considerations; accessibility, etc. AND
47 c) whether the proposed development site plan is designed in its site allocation, proportions,
48 orientation, materials, landscaping and other features as to provide a stable and desirable character
49 complementary and integral with the site's natural features;(-The PB shall make a specific finding);
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51 **4.9.4 AFFORDABLE HOUSING RESTRICTIONS**

52 4.9.4.1 As a condition to any special permit issued under Section 4.9, the applicant shall be required to
53 execute an affordable housing restriction (“Restriction”) in a form acceptable to the Planning Board.
54 The special permit shall not be exercised until the applicant records the Restriction in the Registry
55 of Deeds and an attested copy of the recording is delivered to the Planning Board.

56 4.9.4.2 At least 25% of the housing units created under Section 4.9.2, ~~Affordable Housing Development~~,
57 ~~or more if required~~, shall be subject to a Restriction and a Regulatory Agreement between the
58 developer and the Town and approved by the Executive Office of Housing and Livable
59 Communities (EOHLC – formerly DHCD).

60 4.9.4.2.1 The Restriction shall provide that units made available for ownership shall be made available at
61 a cost including mortgage interest, principal, taxes, insurance and common charges not
62 exceeding 30% of annual income for a household at or below 80% of Barnstable County
63 median income, and shall be sold to households earning at or below 80% of the Barnstable
64 County median income. The Restriction shall limit the re-sale price of any ownership units,
65 and shall bind all subsequent purchasers in perpetuity, consistent with Executive Office of
66 Housing and Livable Communities (EOHLC – formerly DHCD)~~Massachusetts Department of~~
67 ~~Housing and Community Development’s (“DHCD”)~~ regulations and guidelines under Chapter
68 40B of the Massachusetts General Laws. For qualification of housing units towards ~~a~~the
69 Town’s subsidized housing inventory (SHI).

70 ~~4.9.4.1.14.9.4.2.2~~ 4.9.4.2.2 The restriction shall provide that the Affordable units made available for rental
71 shall be rented at a cost (including heat, but not other utilities) not to exceed 30% of the annual
72 income of a household earning 80% of the Barnstable County median income, and shall be
73 rented to households earning at or below 80% of the Barnstable County median income.

74 ~~4.9.4.24.9.4.3~~ 4.9.4.3 An Affordable Housing Apartment created under subsection 4.9.3 shall be subject to a
75 Restriction, which shall provide that units made available for rental shall be rented at a cost
76 (including heat, but not other utilities) not to exceed 30% of the annual income of a household
77 earning 80% of the Barnstable County median income, and shall be rented to households earning at
78 or below 80% of the Barnstable County median income.

79 ~~4.9.4.34.9.4.4~~ 4.9.4.4 Notwithstanding subsection 4.9.4.2 and 4.9.4.3, maximum rents and sale price shall be
80 governed by the Executive Office of Housing and Livable Communities (EOHLC – formerly
81 DHCD)~~DHCD’s~~ regulations under Chapter 40B of the Massachusetts General Laws, and shall be
82 set at levels that will enable the Town to qualify the housing units created under this By-law
83 towards the Town’s subsidized housing inventory. A Certificate of Occupancy shall not be issued
84 to any unit in a complex until the Affordable Restriction is approved and recorded at the Registry
85 of Deeds by the applicant and the Regulatory Agreement has been approved by EOHLC and the
86 Town and signed by the applicant and recorded at the Registry of Deeds.

87 ~~4.9.4.44.9.4.5~~ 4.9.4.5 In addition to requirements of Section 4.9.4, it shall be a condition upon every special
88 permit issued under this By-law that the applicant shall comply with any Massachusetts EOHLC
89 regulations and guidelines for qualification of the Affordable housing units created under this By-
90 law towards the Town’s subsidized housing inventory, including but not limited to the form of the
91 affordable housing restriction and regulations concerning tenant selection and marketing, unit
92 design standards, and income eligibility standards. The Restriction shall further provide that the
93 applicant shall cooperate with the Town in good faith to qualify any restricted housing unit towards
94 the Town’s subsidized housing inventory.

95 ~~4.9.4.54.9.4.6~~ 4.9.4.6 In the event that a housing unit subject to a restriction created under this By-law becomes
96 vacant, the owner shall give written notice to the Dennis Planning Department, Dennis Housing
97 Authority and Dennis Affordable Housing Trust.

98 ~~4.9.4.64.9.4.7~~ 4.9.4.7 Current employees of the town of Dennis and residents of the town of Dennis shall have
99 preference over non-residents in the selection of tenants and buyers of housing units subject to a
100 restriction to the extent permitted by EOHLC regulations and state or federal laws.

101 4.9.1.2 **DEFINITIONS**

102 Affordable Housing Apartment: A housing unit created under the provisions of Sections 4.9.3, ~~4.9.4~~
103 ~~or 4.9.5~~, available at a cost not exceeding 30% of annual income for a household at or below 80% of
104 Barnstable County median income, and shall be rented to households earning at or below 80% of the
105 Barnstable County median income and which is subject to an affordable housing restriction and
106 Regulatory Agreement pursuant to Section 4.9.4 and EOHLC requirements.

107 Affordable Housing Development: A tract of land of more than 2 1/2 acres containing units of
108 residential housing, of which at least 25% are encumbered by affordable housing deed restrictions.

109 Apartment – An apartment is a self-contained housing unit that occupies only part of a building.
110 Apartments may be owner occupied or rented.

111 Cottage Colony: A group of three (3) or more buildings on a lot, which are devoted to residential use
112 on a seasonal basis.

113 Dwelling Unit: A housing unit that contains kitchen facilities including a stove or oven, refrigerator,
114 and sink, and a bathroom including a bath or shower.

115 EOHLC: Executive Office of Housing and Livable Communities (Formerly the Department of
116 housing and Community Development – DHCD) is the Massachusetts state agency focused on
117 promoting affordable housing through regulations, funding and overseeing programs such as Chapter
118 40B, affordable housing initiatives, emergency shelter systems and public housing.

119 Locally affordable dwelling unit: A local alternative to create year-round affordable housing units
120 that are affordable but which need not go through the State mandated tenant selection and Regulatory
121 Agreement process. In this case, rents for locally affordable units may not be higher than the current
122 HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these units
123 shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. In
124 order to ensure compliance with the Special Permit conditions, the owner/landlord shall record at the
125 Registry of Deeds a Special Permit Contract between the developer and the Town encapsulating the
126 agreement and conditions on the property similar to the State Regulatory Agreement.

127 Local Preference List: A list of affordable housing eligible Employees of Local Businesses and
128 Municipal Employees such as teachers, health workers, bus drivers, janitors, firefighters, police
129 officers, librarians, town hall employees, etc., current or past residents, and households with children
130 attending the local schools.

131 Principal Residential Structure: The structure on any given lot in which the primary activity is
132 residential use, which use is the principal use of the lot.

133 Ready Renter List: A waiting list of individuals and families who have been pre-screened and pre-
134 qualified for specific affordable or income-restricted rental housing programs on Cape Cod. This list
135 is used by property owners or administrators to fill vacancies in affordable housing units when they
136 become available.

137 Regulatory Agreement: The purpose of the Regulatory Agreement (Per MGL Chapter 40B
138 Comprehensive Permit Projects Guidelines) is to memorialize the rights and responsibilities of the
139 parties, including the provisions that qualify a Developer as a limited dividend entity under c.40B, if
140 applicable. The Regulatory Agreement also provides for monitoring of the project throughout the
141 term of affordability.

142 Security Apartment: A dwelling unit, of six hundred (600) square feet or less, including separate
143 kitchen facilities and separate bath, located within a commercial structure.

144 Short Term Rental: "Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied
145 property including, but not limited to, an apartment, house, cottage, condominium or a furnished
146 accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:
147 (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are

reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. (Per MGL Chapter 64G)

Special Permit Contract: A recorded notice developed between the developer and the Town confirming the housing cost and tenure arrangements and Special Permit conditions.

Year-round ownership units: "Year-round ownership units" shall mean housing units that are owner-occupied and qualify as the owner's principal residence, as defined in the Code of Massachusetts Regulations (830 CMR 62.3.1), and which are occupied by qualified households. A year-round ownership unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1). Year-round ownership units may be used as short-term rentals meeting the requirements of the 14day exemption provided under 830 CMR 64G.1.1.(3)(b). (From CCC Model Year-round Bylaw)

Year-round rental units: "Year-round rental units" shall mean housing units that are rented by the property owner to a tenant using a lease or contract for a term of no less than 12 months, and which are occupied by qualified households. A year-round rental unit may not be used as a short-term rental subject to Rooms Excise Tax, as defined in the Code of Massachusetts Regulations (830 CMR 64G.1.1), whether or not its use as a short-term rental would qualify for the 14-day exemption provided under 830 CMR 64G.1.1.(3)(b). (From CCC Model Year-round Bylaw)

4.9.3 AFFORDABLE HOUSING RENTAL APARTMENT(S)

4.9.3.1 The Planning Board may by special permit allow the creation of Affordable Housing Rental Apartments in residential and commercial zoning districts or properties within a quarter mile of a commercial district that have been previously developed, are near transit and are either on sewer or are schedule to be within 10 years or can handle the proposed septic without variance from the health regulations; Affordable Housing Rental Apartments may also be created by converting an existing accessory structure, or space within a Principal Commercial Structure, to a dwelling unit. Affordable Housing Apartments created under this bylaw shall be accessory to either an existing residential use or commercial use. (Note: to be reviewed with Board of Health)

4.9.3.2 At least 25% of all housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive Office of Housing and Livable Communities (EOHLC) processes to house eligible tenants as required by EOHLC. At least 75% of all housing units created under Section 4.9 shall be year-round deed-restricted housing units. There shall be no Short-Term Rentals in the year-round housing units

4.9.3.3 Alternatively, at least 10% of all housing units created under this Sub-Section shall be year-round, deed-restricted Affordable Housing units as provided for under 4.9.4 (Affordable Housing Restriction) if another 50% of all housing units created under Section 4.9 are year-round affordable housing units that are affordable but which need not go through the State mandated tenant selection and Regulatory Agreement process. In this case, rents for these locally affordable units may not be higher than the current HUD Barnstable County rent limits for households at 60% AMI. 75% of the tenants in these units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. All units shall be year-round. In order to ensure compliance with the Special Permit conditions, the owner/landlord shall record at the Registry of Deeds a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property similar to the State Regulatory Agreement.

4.9.3.4 There shall be no Short-Term Rentals in the year-round affordably housing rental units.

~~4.9.3.24.9.3.5~~ An Affordable Housing Apartment must have the following minimum areas :(Per 40B Guidelines VI.B.4.(3) unless the applicant has been approved for a waiver from such size

197 requirements by the Executive Office of Housing and Livable Communities (EOHLC – formerly
198 DHCD).

199	studio	250 square feet
200	one-bedroom units	700 square feet
201	two-bedroom units	900 square feet
202	three- bedroom units	1,200 square feet
203	four-bedroom units	1,400 square feet

204 4.9.3.34.9.3.6 Special Permit Requirements for Affordable Housing Apartments.

205 4.9.3.3.1 The Planning Board shall have the discretion to reduce the off-street parking requirements
206 otherwise applicable under Section 3.1 ~~for the affordable units, 3.2~~ where (1) the
207 number of units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant
208 demonstrates that the proposed parking is sufficient to address the parking needs of the
209 proposed uses on the site, and (3) the applicant demonstrates with a plan that the proposed
210 reduction in required parking does not impact the neighborhood in which it is located.

211 4.9.3.3.14.9.3.3.2 For projects with more than ten (10) residential units, a traffic analysis with
212 existing and proposed trip generation, impact on nearby intersections, adequacy of
213 sightlines and parking, proximity to transit, and accident statistics for the previous three
214 years, shall be supplied as part of the Special Permit application.

215 4.9.3.3.24.9.3.3.3 A properly screened area must be provided for storage of trash and recyclable
216 materials. Outside storage areas or enclosures shall be kept clean and shall be large enough
217 to accommodate the storage of all garbage and refuse containers. Garbage and refuse
218 containers, dumpsters, and compactor systems shall be stored on or above a smooth surface
219 of nonabsorbent material such as concrete or asphalt.

220 4.9.3.3.4 Only those basements with natural at-grade walk-out capabilities may be created or
221 converted into living space and ~~g~~which meet all Building, Health and Safety Codes.

222 4.9.3.3.34.9.3.3.5 Garage parking stalls may be converted into living space only if the applicant can
223 demonstrate an efficient and cost-effective method for providing heat and other utilities to
224 the unit to be created and which meet all Building, Health and Safety Codes.-

225 4.9.3.3.6 For multiple unit projects, tThe second unit created, and every fourth unit created there-
226 after shall be deed restricted as permanently affordable units per the applicable standards in
227 Section 4.9 and as required by EOHLC-4 below. In no case shall less than twenty-five
228 percent of the units be affordable.

229 4.9.3.3.44.9.3.3.7 All units created shall be for year-round housing.

230 ~~4.9.3.3.5~~ ~~DELETED~~

231 4.9.3.44.9.3.7 **AFFORDABLE HOUSING APARTMENTS ACCESSORY TO COMMERCIAL**
232 **USES**

233 An Affordable Housing Apartment may be created by converting an existing accessory structure,
234 or space within a Principal Commercial Structure, to a dwelling unit. The following additional
235 standards and conditions shall govern special permits issued under this sub-section:

236 4.9.3.4.14.9.3.7.1 No accessory residential uses shall be allowed within the Industrial District with
237 the exception of a Security Apartment per § 2.2.2 – Use Regulation Schedule and § 5 –
238 Definitions.

239 4.9.3.4.24.9.3.7.2 Commercial structures may be expanded by increasing the footprint or the addition
240 of a second story, where none exists, for the purposes of creating affordable housing
241 apartments. A structure proposed to include an affordable housing apartment may be expanded
242 by the granting of a Special Permit which is based upon a finding by the Planning Board that the
243 conditions present on the site are adequate to support the proposed use, protect the surrounding
244 neighborhood and meet the intended goals of providing affordable housing.

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4.9.3.5.14.9.3.8 CONVERSION OF HOTELS AND MOTELS TO AFFORDABLE HOUSING APARTMENTS

4.9.3.5.14.9.3.8.1 Affordable Housing Apartments may be created by converting an existing accessory structure, or space within a hotel or motel, into dwelling units. The following additional standards and conditions shall govern special permits issued under this section:

4.9.3.8.1.1 Units created through conversions shall not be less than ~~250~~225 square feet not including areas not intended for human habitation such as areas of the basement, attic or garage. In order to promote the mixture of housing units, the following standards shall apply:

~~4.9.3.5.14.9.3.8.1.2~~ Year-round Affordable Units created through conversions shall not be smaller than the unit as it existed as a hotel or motel room.

~~* No less than 25% of the units created must meet the requirement found in Section 4.9.3.2 for a one bedroom unit with a minimum floor area of 700 sf.~~

~~* No more than 25% of the units created may have a minimum floor area of less than 400 sf.~~

Planning Board may require up to 10% of the units in a Hotel/Motel conversion be two-bedroom units, i.e. units with a minimum floor area of 900 sf or less with a waiver from EOHLC.

4.9.3.8.2 Hotel or motel structures may be expanded by ~~increasing the footprint or~~ the addition of a second story, where none exists, for the purposes of creating affordable housing apartments. A hotel or motel structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect the surrounding neighborhood and meet the intended goals of providing affordable housing

4.9.3.8.3 Hotel or motel structures may be expanded by increasing the footprint for the purposes of creating affordable housing apartments where the total site coverage of buildings and impervious surfaces are and will remain less than 50%. A hotel or motel structure proposed to include an Affordable Housing Apartment may be expanded by the granting of a Special Permit which is based upon a finding by the Planning Board that the conditions present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect the surrounding neighborhood and meet the intended goals of providing affordable housing

4.9.2 AFFORDABLE HOUSING DEVELOPMENTS COMPLEX:

4.9.2.1 Density increases shall be allowed by special permit for Affordable Housing Developments as governed by Section 4.9.2, and any density increases shall be addressed in compliance with Sections 4.9.2.2.1 - 4.9.2.2.2 of the by-law.

4.9.2.2 Intensity of Use

4.9.2.2.1 A minimum tract of two and one-half (2 1/2) acres of upland (not including wetlands) shall be required, subject to the provisions of Section 2.3.3.7 regarding minimum upland areas.

4.9.2.2.2 The Planning Board shall have discretion to reduce or suspend the minimum requirements otherwise applicable under Section 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and Loading Requirements) and 4.2 (Multiple Dwellings) for an Affordable Housing Complex Development, provided that the Planning Board finds that the conditions present on the site are adequate to support the proposed use, protect the surrounding neighborhood, and meet the intended goals of providing affordable housing; and provided however that there must be:

- 292 4.9.2.2.1.1 at least 10,000 square feet for each bedroom created in an Affordable Housing
293 Development;
- 294 4.9.2.2.1.2 a maximum height of 35 feet ~~and or two stories~~;
- 295 4.9.2.2.1.3 a maximum building coverage of 15%;
- 296 4.9.2.2.1.4 a maximum total site coverage of 50% including buildings and impervious surfaces; and
297 4.9.2.2.2 A maximum of sixteen (16) dwelling units shall be allowed in any one building with a
298 minimum building separation of twenty feet.
- 299 4.9.2.2.24.9.2.2.3 An Affordable Housing Development shall not be located in a Zone 1 or Zone 2
300 Department of Environmental Protection (DEP) Wellhead Protection Area.
- 301 4.9.2.2.34.9.2.2.4 The Planning Board shall have the discretion to permit a density of greater than
302 one bedroom for every 10,000 square feet ~~based upon the recommendation of the Dennis~~
303 ~~Board of Health that the waste water system recommended for the site meets all state and~~
304 ~~local environmental standards for the protection of public health and water quality. if the~~
305 ~~project is connected to the Water Resource Recovery Facility (hereafter “sewer”) or can~~
306 ~~handle the proposed septic without variance from the health regulations. (Review w/ BoH)~~
- 307 4.9.2.3 Special Permit Requirements for Affordable Housing Developments (4.9.#):
- 308 4.9.2.3.1 The Planning Board ~~shall~~may have the discretion to reduce the off-street parking
309 requirements otherwise applicable under Section 3.1 for the affordable units, where (1) the
310 number of units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant
311 demonstrates that the proposed parking is sufficient to address the parking needs of the
312 Affordable Housing Development and does not impact the neighborhood in which it is
313 located.
- 314 4.9.2.3.2 The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet,
315 which shall constitute vegetated buffers, except for where crossed by site driveways;
- 316 4.9.2.3.3 Where an applicant proposed to divide the tract of land that is the locus of a proposed
317 Affordable Housing Development, the minimum lot size shall be ten-thousand (10,000)
318 square feet. The Planning Board may, in its sole discretion, reduce the internal front and
319 rear yard setback requirements of Section 2.3.2, provided however, that said setbacks shall
320 be no less than ten (10) feet. The Affordable Housing Development must still comply with
321 the setback requirements of Section 4.9.2.3.4 as if the tract of land was not subdivided.
- 322 4.9.2.3.4 The Affordable Housing Development must conform to all other requirements of the
323 Zoning By-law. In the event that a provision of Section 4.9.2 conflicts with another
324 provision of the By-law, the provisions of Section 4.9.2 shall control.
- 325 4.9.2.3.5 For multi-family buildings a properly screened area must be provided for storage of trash
326 and recyclable materials. Outside storage areas or enclosures shall be kept clean and shall
327 be large enough to accommodate the storage of all garbage and refuse containers. Garbage
328 and refuse containers, dumpsters, and compactor systems shall be stored on or above a
329 smooth surface of nonabsorbent material such as concrete or asphalt.
- 330 4.9.2.3.6 The second unit created, and every fourth unit created there-after shall be deed restricted as
331 permanently affordable units, per the applicable standards in Section 4.9.4 below. In no
332 case shall less than twenty-five percent of the units be affordable. All units created shall be
333 for year-round housing.

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338 4.9.2.4 **MUNICIPALLY SPONSORED HOUSING PROJECTS**

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340 4.9.2.4.1 **GENERAL OBJECTIVES**

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342 This section is intended to allow the Dennis Board of Selectmen to act as a sponsor for public or
343 public/private joint venture affordable housing projects which:

- 344 a. encourages practical residential development in the reuse of existing structures;
- 345 b. promotes in-fill (development of vacant lots in an otherwise built-up area) residential development
346 opportunities;
- 347 c. is compatible with the adjacent neighborhood;
- 348 d. encourages development of economically priced housing and a variety of types of housing; and
- 349 e. fosters flexibility and creativity in the creation of affordable housing.

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351 Based upon these provisions, a project for Special Permit submittal to the Dennis Planning Board may be
352 made upon a positive vote of the Dennis Board of Selectmen.

353 **4.9.2.4.2 MODIFIED PROCEDURES**

354 A municipally sponsored housing project may be allowed upon issuance of a special permit provided that
355 the Planning Board finds that the conditions present on the site are adequate to support the proposed use,
356 protect the surrounding neighborhood, and meet the intended goals of providing affordable housing, and
357 further meets the following requirements:

- 358
359 a. the minimum requirements of Sections 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
360 Loading Requirements) and 4.2 (Multiple Dwellings), ~~3.1 and 4.2~~ shall not apply provided
361 however that there must be:
 - 362 a. a maximum height of 35 feet and two stories;
 - 363 b. a maximum building coverage of 15%;
 - 364 c. a maximum total site coverage of 50%;
 - 365 d. a minimum building separation of twenty feet; and
 - 366 e. a determination that the parking will be adequate in number and size to serve the proposed
367 use of the site.
- 368 b. For Municipally Sponsored Affordable Housing projects, the Minimum Area of the Tract to be
369 Developed ~~under Section 4.9.2.3.1~~ may be less than 2 ½ acres;
- 370 c. the maximum density of the Tract to be Developed may be greater than one bedroom per 10,000 sf
371 of land area based upon a recommendation of the Dennis Board of Health that the waste water
372 system recommended for the site meets all state and local environmental standards for the
373 protection of public health and water quality;
- 374 d. The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which
375 shall constitute vegetated buffers, except for where crossed by site driveways; and
- 376 e. A Municipally Sponsored Housing Project shall not be located in a Zone 1 or Zone 2 Department
377 of Environmental Protection (DEP) Wellhead Protection Area.
- 378 e.f. the minimum parking requirement may be less than 2 parking spaces per affordable residential unit.
379 The Planning Board shall have the discretion to reduce all other off-street parking requirements as
380 otherwise applicable under Section 3.1 based upon a finding that the parking is sufficient to meet
381 the needs of the proposed use of the property.

382 4.9.2.4.3 **Special Permit Granting Authority (SPGA)**

383 The Planning Board shall be the Special Permit Granting Authority for Municipally Sponsored
384 Affordable Housing Projects with a formal vote of support from the Select Board.

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386 4.9.2.4.4 All units created shall be deed restricted as permanently affordable units per the
387 applicable standards in Section 4.9.4 of this by-law unless otherwise noted in conformity with the
388 following requirements. In no case shall less than (50) fifty percent of the units be affordable to
389 households earning less than 80% of the median income. An additional Twenty-five percent of the
390 units shall be affordable for people earning no more than 120% of the area's median income. All
391 units created shall be for year-round housing.

392 4.9.5 “AFFORDABLE” LOTS” (Note: The State “Affordable Homes Act” now allows development of
393 10,000 sf lots that were not “grandfathered” but only restricts the size of the house and no STR))

394 4.9.5.1 A single Lots/Parcel of record as of the June 17, 2003 which do not satisfy minimum lot size
395 requirements and which ~~are is~~ not protected as a nonconforming lots by law because ~~they are it is or has~~
396 been in common ownership with adjoining lots may nevertheless be built upon for a year-round, deed-
397 restricted Affordable Housing unit and shall be made available at a cost including mortgage interest,
398 principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or
399 below 80% of Barnstable County median income as provided for under 4.9.4 (Affordable Housing
400 Restriction) and placed on the Subsidized Housing Inventory (SHI) by the applicant, by Special Permit
401 from the Planning Board under the following conditions:

402 4.9.5.1.1 ~~Each~~ The lot contains at least ~~10,000~~7,500 square feet of land area with 50 feet of frontage and
403 satisfies other applicable Board of Health requirements. Except that no lot located
404 within a Zone II Water Recharge Area shall be built upon.

405 4.9.5.1.2 ~~Each~~ The lot has safe and adequate access to an existing public or private way (not a paper road).

406 4.9.5.1.3 ~~Each~~ The lot is similar in nature, i.e. size and shape to the lots immediately adjacent to and across
407 the street from the lot to be separated.

408 4.9.5.1.4 ~~Each~~ The lot may not be used for a structure larger than three bedrooms, and there must be a
409 minimum of 5,000 square feet of land area for each bedroom.

410 4.9.5.1.5 The applicable front, side and rear setbacks shall be determined by establishing an average setback
411 based upon the principal structures on the lots immediately adjacent to and across the street
412 from the lot to be built upon as a separate lot.

413 4.9.5.1.6 For Affordable Houses built under this section of the bylaw, Lot Coverage of the Building shall not
414 exceed 12%; Floor Area Ratio shall not exceed 20%; and total site coverage (impervious
415 surfaces) shall not exceed 25%.

416 4.9.5.1.7 Where two or more existing undersized lots are held in common ownership this bylaw shall not
417 apply., one of the two lots shall be deed restricted as permanently affordable, per the
418 applicable standards in Section 4.9.4 of the Dennis Zoning Bylaw.

419 4.9.5.1.7 Lots developed by this bylaw must first produce an existing conditions plan identifying topography,
420 drainage, utilities, vegetation and any specimen trees that may have grown in the intervening
421 years. Setbacks and lot coverage may be adjusted to save specimen trees. ~~Where more than~~
422 two lots are held in common ownership, the second, third and fifty percent of the remaining
423 lots to be built upon under the special permit shall be deed restricted as permanently
424 affordable (i.e. the fourth lot may be market rate, fifth shall be affordable, sixth market rate
425 etc), per the applicable standards in Section 4.9.4 of the Dennis Zoning By Law.

426 4.9.5.1.8 This section shall not prevent a lot owner of such an existing undersized lot from building a house
427 on such lot and from transferring the lot to an income eligible immediate family member
428 (sibling, parent or child) by gift or inheritance, provided that the Affordable Housing
429 Restriction and Regulatory Agreement approved by EOHLC required by this subsection is
430 properly recorded at the Registry of Deeds prior to issuance of a building permit provided
431 that the lot owner (or immediate family member) owned the lot as of October 18, 2005.
432