

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

2
3 4.9.1. **PURPOSE AND AUTHORITY.**

4
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.
15

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 Apartment(s) §4.9.4

19 2. Conversion of Hotel and Motels to Year-Round Affordable Housing (§4.9.5);

20 3. Affordable Housing Complex (§4.9.6);

21 4. Municipally Sponsored Affordable Housing Projects (§4.9.7).

22 5. Affordable Lots (§4.9.8);

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)
26

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. At least 25% of all
31 housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as
32 provided for under 4.9.4 (Affordable Housing Restriction and Regulatory Agreement) and placed on the
33 Subsidized Housing Inventory (SHI) by the applicant and go through the required Massachusetts Executive
34 Office of Housing and Livable Communities (EOHLC) processes to select eligible tenants. All housing
35 units, Affordable and market rate, created under Section 4.9 shall be year-round housing units. At least
36 25% of the total number of bedrooms within any Affordable Housing Development shall be within said
37 restricted housing units.

38
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);
50

51 4.9.2 **AFFORDABLE HOUSING RESTRICTIONS**

52 4.9.2.1 As a condition to any special permit issued under Section 4.9, the applicant shall be
53 required to execute an affordable housing restriction (“Restriction”) in a form
54 acceptable to the Planning Board. The special permit shall not be exercised until the
55 applicant records the Restriction in the Registry of Deeds and an attested copy of the
56 recording is delivered to the Planning Board.

57 4.9.2.2 At least 25% of the housing units created under Section 4.9.2, ~~Affordable Housing~~
58 ~~Development~~) shall be subject to a Restriction and a Regulatory Agreement between the
59 developer and the Town and approved by the Executive Office of Housing and Livable
60 Communities (EOHLC – formerly DHCD).

61 4.9.2.3 The Restriction shall provide that units made available for ownership shall be made available at
62 a cost including mortgage interest, principal, taxes, insurance and common charges not
63 exceeding 30% of annual income for a household at or below 80% of ~~Barnstable County~~the
64 Area Median Income (AMI), and shall be sold to households earning at or below 80% of the
65 Barnstable County median income. The Restriction shall limit the re-sale price of any
66 ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with
67 Executive Office of Housing and Livable Communities (EOHLC – formerly
68 DHCD) Massachusetts Department of Housing and Community Development’s (“DHCD”)
69 regulations and guidelines under Chapter 40B of the Massachusetts General Laws. For
70 qualification of housing units towards ~~a~~the Town’s subsidized housing inventory (SHI).

71 4.9.2.4 The restriction shall provide that the Affordable units made available for rental shall be rented
72 at a cost (including heat, but not other utilities) not to exceed 30% of the annual income of a
73 household earning 80% of the Barnstable County median income, and shall be rented to
74 households earning at or below 80% of the Barnstable County median income.

75 4.9.2.5 An Affordable Housing Apartment created under subsection 4.9.3 shall be subject to a
76 Restriction, which shall provide that units made available for rental shall be rented at a cost
77 (including heat, but not other utilities) not to exceed 30% of the annual income of a household
78 earning 80% of the Barnstable County median income, and shall be rented to households
79 earning at or below 80% of the Barnstable County median income.

80 4.9.2.6 Notwithstanding subsection 4.9.4.2 and 4.9.4.3, maximum rents and sale price shall be
81 governed by the Executive Office of Housing and Livable Communities (EOHLC – formerly
82 DHCD)DHCD’s regulations under Chapter 40B of the Massachusetts General Laws, and shall
83 be set at levels that will enable the Town to qualify the housing units created under this By-law
84 towards the Town’s subsidized housing inventory (SHI). A Building Permit shall not be issued
85 until the Regulatory Agreement has been approved by EOHLC and the Town and signed by the
86 applicant and recorded at the Registry of Deeds. A Certificate of Occupancy shall not be issued
87 to any unit in a complex until the Affordable Restriction is approved and recorded at the
88 Registry of Deeds by the applicant.

89 4.9.2.7 In addition to requirements of Section 4.9.4, it shall be a condition upon every special permit
90 issued under this By-law that the applicant shall comply with any Massachusetts EOHLC
91 regulations and guidelines for qualification of the restricted Affordable housing units created
92 under this By-law towards the Town’s subsidized housing inventory (SHI), including but not
93 limited to the form of the affordable housing restriction and regulations concerning tenant
94 selection and marketing, unit design standards, and income eligibility standards. The
95 Restriction shall further provide that the applicant shall cooperate with the Town in good faith
96 to qualify any restricted housing unit towards the Town’s subsidized housing inventory.

97 4.9.2.8 In the event that a housing unit subject to a restriction created under this By-law becomes
98 vacant, the owner shall give written notice to the Dennis Planning Department, Dennis
99 Housing Authority and Dennis Affordable Housing Trust.

100 4.9.2.9 Current employees of the town of Dennis and residents of the town of Dennis shall have
101 preference over non-residents in the selection of tenants and buyers of housing units subject to
102 a restriction to the extent permitted by EOHLC regulations and state or federal laws.

103 4.9.3 **DEFINITIONS**

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

109 AFFORDABLE HOUSING DEVELOPMENT COMPLEX: A tract of land of more than 2 1/2 acres
110 containing units of residential housing, of which at least 25% are encumbered by affordable housing
111 deed restrictions.

112 APARTMENT:— An apartment is a self-contained housing unit that occupies only part of a building.
113 Apartments may be owner occupied or rented.

114 COTTAGE COLONY: A group of three (3) or more buildings on a lot, which are devoted to
115 residential use on a seasonal basis.

116
117 DWELLING UNIT: A single unit providing complete, independent living facilities for one
118 or more persons, including permanent provisions for living, sleeping, eating, cooking, and
119 sanitation as required by state sanitary code. ~~A housing unit that contains kitchen facilities~~
120 ~~including a stove or oven, refrigerator, and sink, and a bathroom including a bath or shower.~~

121 EOHLC: Executive Office of Housing and Livable Communities (Formerly the Department of
122 housing and Community Development – DHCD) is the Massachusetts state agency focused on
123 promoting affordable housing through regulations, funding and overseeing programs such as Chapter
124 40B, affordable housing initiatives, emergency shelter systems and public housing.

125 ENVIROMENTALLY SENSITIVE AREA:

126 LOCALLY AFFORDABLE DWELLING UNIT (PER 4.9.3.4 BELOW): An alternative to create
127 year-round affordable housing units that are affordable but which need not go through the State
128 mandated tenant selection and Regulatory Agreement process. In this case, rents for locally
129 affordable units may not be higher than the current HUD Barnstable County rent limits for
130 households at 60% AMI. 75% of the tenants in these units shall be chosen from either the Ready
131 Renter list or the Town of Dennis Local Preference list. In order to ensure compliance with the
132 Special Permit conditions, the owner/landlord shall record a permanent deed restriction on the units
133 and a Special Permit Contract between the developer and the Town encapsulating the agreement and
134 conditions on the property to recorded at the Registry of Deeds (similar to the State Regulatory
135 Agreement) to be recorded at the Registry of Deeds before a Building Permit is issued.

136 LOCAL PREFERENCE LIST: A list of affordable housing eligible Employees of Local Businesses
137 and Municipal Employees such as teachers, health workers, bus drivers, janitors, firefighters, police
138 officers, librarians, town hall employees, etc., current or past residents, and households with children
139 attending the local schools.

140 PRINCIPAL RESIDENTIAL STRUCTURE: The structure on any given lot in which the primary
141 activity is residential use, which use is the principal use of the lot.

142 READY RENTER LIST: A waiting list of individuals and families who have been pre-screened and
143 pre-qualified for specific affordable or income-restricted rental housing programs on Cape Cod by
144 Barnstable County or other entity approved by EOHLC to do so. This list is used by property owners
145 or administrators to fill vacancies in affordable housing units when they become available.

146 REGULATORY AGREEMENT: The purpose of the Regulatory Agreement (Per MGL Chapter 40B
147 Comprehensive Permit Projects Guidelines) is to memorialize the rights and responsibilities of the

parties, including the provisions that qualify a Developer as a limited dividend entity under c.40B, if applicable. The Regulatory Agreement also provides for monitoring of the project throughout the term of affordability.

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

SHORT TERM RENTAL: "Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (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:

4.9.4 AFFORDABLE HOUSING APARTMENT(S)

4.9.4.1 The Planning Board may by special permit allow the creation of Affordable Housing Apartments in residential and commercial zoning districts, General Commercial I, II, III, Limited Business, Dennis Port Village Area A and B, and West Dennis Village, Marine and Mixed-Use Districts. Additionally, -those properties on Route 6A, Route 134, Setucket Road, Great Western Road, Upper County Road or Lower County Road (Urban Minor Arterial Roads) AND have been previously developed, can handle the proposed septic without variance from the health regulations, are not in an Environmentally Sensitive Area (ESA) and clearly meet the Project Approval Requirements of § 4.9, may apply under this section (4.9.3).

4.9.4.2 Affordable Housing 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.

4.9.4.3 At least 25% of all housing units created under Section 4.9 shall be deed-restricted Affordable Housing year-round 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. All housing units created under this Sub-Section of 4.9 shall be deed-restricted year-round housing units. There shall be no Short-Term Rentals in any of the housing units created under § 4.9.4.3.

4.9.4.4 ALTERNATIVELY, if at least 25% of all housing units created under this Sub-Section (§ 4.9.4.4) are year-round, deed-restricted, SHI listed Affordable Housing units as provided for above AND an additional 50% of all housing units created are year-round housing units that are "locally affordable" but which need not go through the State mandated tenant selection and Regulatory Agreement process THEN the remaining 25% of the units may be unrestricted market rate units. Seasonal or Short-Term Rentals per Chapter 64G would be permissible in the up to 25% unrestricted market rate units. In this case, rents for the 50% 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 "locally affordable" units shall be chosen from either the Ready Renter list or the Town of Dennis Local Preference list. In order to ensure compliance with the Special Permit conditions in § 4.9.3.4, the owner/landlord shall record a permanent deed restriction on the units and a Special Permit Contract between the developer and the Town encapsulating the agreement and conditions on the property to recorded at the Registry of Deeds (similar to the State Regulatory Agreement) to be recorded at the Registry of Deeds before a Building Permit is issued.

4.9.4.5 There shall be no Short-Term Rentals in the year-round SHI or locally affordable housing rental units.

200 **4.9.4.6** An Affordable Housing Apartment must have the following minimum areas ~~:(Per 40B Guidelines~~
201 ~~VI.B.4.(3) unless the applicant has been approved for a waiver from such size requirements by the~~
202 ~~Executive Office of Housing and Livable Communities (EOHLC).~~

203	studio	250 square feet
204	one-bedroom units	700 square feet
205	two-bedroom units	900 square feet
206	three- bedroom units	1,200 square feet
207	four-bedroom units	1,400 square feet

208 4.9.4.7 Special Permit Requirements for Affordable Housing Apartments.

209 4.9.4.7.1 The Planning Board shall have the discretion to reduce the off-street parking requirements
210 otherwise applicable under Section 3.1 ~~= for the affordable units, 3-2) -where -~~(1) the number of
211 units to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that
212 the proposed parking is sufficient to address the parking needs of the proposed uses on the site,
213 and (3) the applicant demonstrates with a plan that the proposed reduction in required parking
214 does not impact the neighborhood in which it is located.

215 4.9.4.7.2 For projects with more than twelve (12) residential units, a traffic analysis with existing and
216 proposed trip generation, impact on nearby intersections, adequacy of sightlines and parking,
217 proximity to transit, and accident statistics for the previous three years, shall be provided by the
218 Applicant as part of the Special Permit application. For projects with more than twenty-four
219 (24) residential units or within 1,000 feet of a major intersection or an intersection the Planning
220 Board deems problematic, a traffic study prepared by an approved engineering firm (chosen by
221 and reporting to the Planning Board, from a list of at least three firms, and paid for by the
222 applicant) shall be shall be provided by the Applicant as part of the Special Permit process.

223 4.9.4.7.3 A properly screened area must be provided for storage of trash and recyclable materials.
224 Outside storage areas or enclosures shall be kept clean and shall be large enough to
225 accommodate the storage of all garbage and refuse containers. Garbage and refuse containers,
226 dumpsters, and compactor systems shall be stored on or above a smooth surface of
227 nonabsorbent material such as concrete or asphalt.

228 4.9.4.7.4 Only those basements with natural at-grade walk-out capabilities may be created or converted
229 into living space and gwhich meet all Building, Health and Safety Codes.

230 4.9.4.7.5 Garage parking stalls may be converted into living space only if the applicant can demonstrate
231 an efficient and cost-effective method for providing heat and other utilities to the unit to be
232 created and which meet all Building, Health and Safety Codes.-

233 4.9.4.7.6 For multiple unit projects, tThe second unit created, and every fourth unit created there-after
234 shall be deed restricted as permanently affordable units per the applicable standards in Section
235 4.9 and as required by EOHLC-4 below. In no case shall less than twenty-five percent of the
236 units be affordable.

237 4.9.4.7.7 All units created shall be for year-round housing unless as otherwise specified in the locally
238 affordable alternative (§4.9.4.4).

239 4.9.4.7.8 No accessory residential uses shall be allowed within the Industrial District with the exception
240 of a Security Apartment per § 2.2.2 – Use Regulation Schedule and § 5 – Definitions.

241 **AFFORDABLE HOUSING APARTMENTS ACCESSORY TO COMMERCIAL USES**

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

245 4.9.4.7.9 Commercial structures may be expanded by increasing the footprint or the addition of a
246 second story, where none exists, for the purposes of creating affordable housing apartments. A
247 structure proposed to include an affordable housing apartment may be expanded by the granting
248 of a Special Permit which is based upon a finding by the Planning Board that the conditions

249 present on the site are adequate to support the proposed use, protect the surrounding
250 neighborhood and meet the intended goals of providing affordable housing.
251 4.9.4.7.10 Commercial structures may be expanded by increasing the footprint for the purposes of
252 creating affordable housing apartments where the total site coverage of buildings and
253 impervious surfaces are and will remain less than 50% and based upon a finding by the
254 Planning Board that the conditions present on the site are adequate to support the proposed use,
255 parking, traffic, septic, access, protect the surrounding neighborhood, are not in an
256 Environmentally Sensitive Area, and meet the intended goals of providing affordable housing.
257

258 4.9.5 **CONVERSION OF HOTELS AND MOTELS TO AFFORDABLE HOUSING**
259 **APARTMENTS**

260 4.9.5.1 Affordable Housing Apartments may be created by converting an existing accessory structure, or
261 space within a hotel or motel, into dwelling units. The following additional standards and
262 conditions shall govern special permits issued under this section:

263 4.9.5.2 Units created through conversions shall not be less than ~~250~~225 square feet not including areas not
264 intended for human habitation such as areas of the basement, attic or garage. In order to promote
265 the mixture of housing units, the following standards shall apply:

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

268 * ~~No more than 25% of the units created may have a minimum floor area of less than 400 sf.~~
269

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

272 4.9.5.3 Hotel or motel structures may be expanded by ~~increasing the footprint or~~ the addition of a second
273 story, where none exists, for the purposes of creating affordable housing apartments. A hotel or
274 motel structure proposed to include an Affordable Housing Apartment may be expanded by the
275 granting of a Special Permit which is based upon a finding by the Planning Board that the conditions
276 present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect
277 the surrounding neighborhood and meet the intended goals of providing affordable housing

278 4.9.5.4 Hotel or motel structures may be expanded by increasing the footprint for the purposes of creating
279 affordable housing apartments where the total site coverage of buildings and impervious surfaces
280 are and will remain less than 50%. A hotel or motel structure proposed to include an Affordable
281 Housing Apartment may be expanded by the granting of a Special Permit which is based upon a
282 finding by the Planning Board that the conditions present on the site are adequate to support the
283 proposed use, parking, traffic, septic, access, protect the surrounding neighborhood, are not in an
284 Environmentally Sensitive Area, and meet the intended goals of providing affordable housing
285

286 4.9.6 **AFFORDABLE HOUSING DEVELOPMENTS COMPLEX:**

287 4.9.6.1 Density increases shall be allowed by special permit for Affordable Housing Developments as
288 governed by Section 4.9.2, and any density increases shall be addressed in compliance with
289 Sections 4.9.1 and 4.9.2 of the by-law.

290 4.9.6.2 Intensity of Use

291 4.9.6.2.1 A minimum tract of two and one-half (2 1/2) acres of upland (not including wetlands as
292 defined by the Wetland Protection Act, M.G.L. c. 131, § 40) shall be required, subject to the
293 provisions of Section 2.3.3.7 regarding minimum upland areas.

294 4.9.6.2.2 The Planning Board shall have discretion to reduce or suspend the minimum requirements
295 otherwise applicable under Section 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
296 Loading Requirements) for the affordable units within ~~and 4.2 (Multiple Dwellings)~~ for an

297 Affordable Housing Complex Development, provided that the Planning Board finds that the
298 conditions present on the site are adequate to support the proposed use, protect the surrounding
299 neighborhood, and meet the intended goals of providing affordable housing; and provided
300 however that there must be:

301 4.9.6.2.3 at least 10,000 square feet for each bedroom created in an Affordable Housing Development;

302 4.9.6.2.4 a maximum height of 35 feet ~~and or two stories~~;

303 4.9.6.2.5 a maximum building coverage of 15%;

304 4.9.6.2.6 a maximum total site coverage of 50% including buildings and impervious surfaces; and

305 4.9.6.2.7 A maximum of sixteen (16) dwelling units shall be allowed in any one building with a
306 minimum building separation of twenty feet.

307 4.9.6.2.8 An Affordable Housing Development shall not be located in a Zone 1 or Zone 2 Department of
308 Environmental Protection (DEP) Wellhead Protection Area.

309 4.9.6.2.9 The Planning Board shall have the discretion to permit a density of greater than one bedroom
310 for every 10,000 square feet if the project is connected to the Water Resource Recovery
311 Facility (hereafter “sewer”) or can handle the proposed septic without variance from the health
312 regulations and based upon the recommendation of the Dennis Board of Health that the waste
313 water system recommended for the site meets all state and local environmental standards for
314 the protection of public health and water quality.

315 4.9.6.3 Special Permit Requirements for Affordable Housing Complex Developments (4.9.6):

316 4.9.6.3.1 The Planning Board shall may have the discretion to reduce the off-street parking requirements
317 otherwise applicable under Section 3.1 for the affordable units, where (1) the number of units
318 to be restricted under Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates that the
319 proposed parking is sufficient to address the parking needs of the Affordable Housing
320 Development and does not impact the neighborhood in which it is located.

321 4.9.6.3.2 The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet,
322 which shall constitute vegetated buffers, except for where crossed by site driveways;

323 4.9.6.3.3 Where an applicant proposed to divide the tract of land that is the locus of a proposed
324 Affordable Housing Development, the minimum lot size shall be ten-thousand (10,000) square
325 feet. The Planning Board may, in its sole discretion, reduce the internal front and rear yard
326 setback requirements of Section 2.3.2, provided however, that said setbacks shall be no less
327 than ten (10) feet. The Affordable Housing Development must still comply with the setback
328 requirements of Section 4.9.2.3.4 as if the tract of land was not subdivided.

329 4.9.6.3.4 The Affordable Housing Development must conform to all other requirements of the Zoning
330 By-law. In the event that a provision of Section 4.9.2 conflicts with another provision of the
331 By-law, the provisions of Section 4.9.2 shall control.

332 4.9.6.3.5 For multi-family buildings a properly screened area must be provided for storage of trash and
333 recyclable materials. Outside storage areas or enclosures shall be kept clean and shall be large
334 enough to accommodate the storage of all garbage and refuse containers. Garbage and refuse
335 containers, dumpsters, and compactor systems shall be stored on or above a smooth surface of
336 nonabsorbent material such as concrete or asphalt.

337 4.9.6.3.6 The second unit created, and every fourth unit created there-after shall be deed restricted as
338 permanently affordable units, per the applicable standards in Section 4.9.4 ~~2~~below. In no case
339 shall less than twenty-five percent of the units be affordable. All units created in an Affordable
340 Housing Complex shall be ~~for deed-restricted~~ year-round housing.

341

342 4.9.7 **MUNICIPALLY SPONSORED HOUSING PROJECTS**

- 343 4.9.7.1 GENERAL OBJECTIVES: This section is intended to allow the Dennis Board of Selectmen to act
344 as a sponsor for public or public/private joint venture affordable housing projects which:
- 345 a. encourages practical residential development in the reuse of existing structures;
 - 346 b. promotes in-fill (development of vacant lots in an otherwise built-up area) residential development;
 - 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.

350
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.~~4.9.2.4.2 MODIFIED PROCEDURES~~
353 A municipally sponsored housing project may be allowed upon issuance of a special permit provided that
354 the Planning Board finds that the conditions present on the site are adequate to support the proposed use,
355 protect the surrounding neighborhood, and meet the intended goals of providing affordable housing, and
356 further meets the following requirements:

- 357
358 a. the minimum requirements of Sections 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
359 Loading Requirements) ~~for the affordable units, and 4.2 (Multiple Dwellings)~~, ~~3.1 and 4.2~~ shall
360 not apply provided however that there must be:
 - 361 a. a maximum height of 35 feet and two stories;
 - 362 b. a maximum building coverage of 15%;
 - 363 c. a maximum total site coverage of 50%;
 - 364 d. a minimum building separation of twenty feet; and
 - 365 e. a determination that parking will be adequate in number and size to serve the proposed use.
- 366 b. For Municipally Sponsored Affordable Housing projects, the Minimum Area of the Tract to be
367 Developed ~~under Section 4.9.2.3.1~~ may be less than 2 ½ acres;
- 368 c. the maximum density of the Tract to be Developed may be greater than one bedroom per 10,000 sf
369 of land area based upon a recommendation of the Dennis Board of Health that the waste water
370 system recommended for the site meets all state and local environmental standards for the
371 protection of public health and water quality;
- 372 d. The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet, which
373 shall constitute vegetated buffers, except for where crossed by site driveways; and
- 374 e. A Municipally Sponsored Project shall not be located in a Zone 2 DEP Wellhead Protection Area.
- 375 f. the minimum parking requirement may be less than 2 parking spaces per affordable residential unit.
376 The Planning Board shall have the discretion to reduce all other off-street parking requirements as
377 otherwise applicable under Section 3.1 based upon a finding that the parking is sufficient to meet
378 the needs of the proposed use of the property.

379
380 4.9.7.2 Special Permit Granting Authority (SPGA) The Planning Board shall be the SPGA for Municipally
381 Sponsored Affordable Housing Projects with a formal vote of support from the Select Board.

382
383 4.9.7.3 All units created shall be deed restricted as permanently affordable units per the applicable
384 standards in Section 4.9.2 of this by-law unless otherwise noted in conformity with the following
385 requirements. In no case shall less than (50) fifty percent of the units be affordable to households
386 earning less than 80% of the median income. An additional Twenty-five percent of the units shall
387 be affordable for people earning no more than 120% of the area's median income. All units created
388 in a Municipally Sponsored Housing Project under Section 4.9 shall be for year-round housing.

389 4.9.8 "AFFORDABLE" LOTS" (*Note: The State "Affordable Homes Act" now allows development of*
390 *10,000 sf lots that were not "grandfathered" but only restricts the size of the house and no STR*)

391 4.9.8.1 A single Lots/Parcel of record as of the June 17, 2003 which does not satisfy minimum lot size
392 requirements and which are-is not protected as a nonconforming lots by law because they are it is or has been
393 in common ownership with adjoining lots, AND is a lone undeveloped parcel in an existing developed
394 neighborhood (more than 25 developed contiguous parcels with houses) surrounded by similarly sized

395 parcels (within 20% of the area of the lot to be developed), may nevertheless be built upon for a year-round,
396 deed-restricted Affordable Housing unit and shall be made available at a cost including mortgage interest,
397 principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or
398 below 80% of the Area Median Income as provided for under 4.9.2 (Affordable Housing Restriction) and
399 placed on the Subsidized Housing Inventory (SHI) by the applicant, by Special Permit from the Planning
400 Board under the following conditions:

401 4.9.8.1.1 ~~Each~~The lot contains at least ~~40,000~~7,500 square feet of land area with 50 feet of frontage and
402 satisfies other applicable Board of Health requirements. Except that no lot located
403 within a Zone II Water Recharge Area shall be built upon.

404 4.9.8.1.2 ~~Each~~The lot has safe and adequate access to an existing public way or a constructed and paved
405 private way (not a paper road).

406 4.9.8.1.3 ~~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 4.9.8.1.4 ~~Each~~The lot may not be used for a structure larger than three bedrooms, and there must be a
409 minimum of ~~5,000~~2,500 square feet of land area for each bedroom: if the project is connected
410 to the Water Resource Recovery Facility (hereafter “sewer”) or can handle the proposed
411 septic without variance from the health regulations and based upon the recommendation of
412 the Dennis Board of Health that the waste water system recommended for the site meets all
413 state and local environmental standards for the protection of public health and water quality.

414 4.9.8.1.5 The applicable front, side and rear setbacks shall be determined by establishing an average setback
415 based upon the principal structures on the lots immediately adjacent to and across the street
416 from the lot to be built upon as a separate lot.

417 4.9.8.1.6 For Affordable Houses built under this section of the bylaw, Lot Coverage of the Building shall not
418 exceed 12%; Floor Area Ratio shall not exceed 20%; and total site coverage (impervious
419 surfaces) shall not exceed 25%.

420 4.9.8.1.7 Where two or more existing undersized lots are held in common ownership this bylaw shall not
421 apply, ~~one of the two~~ The lots shall be deed restricted as permanently affordable, per the
422 applicable standards in Section 4.9.42 of the Dennis Zoning Bylaw.

423 4.9.8.1.7 Lots developed by this bylaw must first produce an existing condition plan identifying topography,
424 drainage, utilities, vegetation and any specimen trees that may have grown in the intervening
425 years. Setbacks and lot coverage may be adjusted to save specimen trees. ~~Where more than~~
426 two lots are held in common ownership, the second, third and fifty percent of the remaining
427 lots to be built upon under the special permit shall be deed restricted as permanently
428 affordable (i.e. the fourth lot may be market rate, fifth shall be affordable, sixth market rate
429 etc), per the applicable standards in Section 4.9.4 of the Dennis Zoning By Law.

430 4.9.8.1.8 This section shall not prevent a lot owner of such an existing undersized lot from building a house
431 on such lot and from transferring the lot to an income eligible immediate family member
432 (sibling, parent or child) by gift or inheritance, provided that the Affordable Housing
433 Restriction and Regulatory Agreement approved by EOHLC required by this subsection is
434 properly recorded at the Registry of Deeds prior to issuance of a building permit. provided
435 that the lot owner (or immediate family member) owned the lot as of October 18, 2005.