

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

2
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 and material costs and housing prices, have
10 been 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.) providing an alternative option to residents that is more efficient and allows for more
14 local control than the Commonwealth controlled process commonly known as 40B.

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
24 The Planning Board is hereby designated the special permit granting authority (SPGA) for all Affordable
25 Housing Development and Affordable Housing Apartment applications under this by-law (§ 4.9), and shall
26 have the power to hear and decide applications for special permits as provided by this section. The
27 Planning Board may adopt regulations for carrying out its duties under this By-law. At least 25% of all
28 housing units created under Section 4.9 shall be year-round, deed-restricted Affordable Housing units as
29 provided for under 4.9.42 (Affordable Housing Restriction and Regulatory Agreement) and placed on the
30 Subsidized Housing Inventory (SHI) by the applicant. This includes all aspects required by the
31 Massachusetts Executive Office of Housing and Livable Communities (EOHLC) including the process to
32 select eligible tenants. All housing units, Affordable and market rate, created under Section 4.9 shall be
33 year-round housing units. At least 25% of the total number of bedrooms within any Affordable Housing
34 Development shall be within said restricted housing units.

35
36 4.9.1.1 **PROJECT APPROVAL REQUIREMENTS.** The Applicant shall provide the Planning Board a
37 detailed narrative describing how the proposal meets the Project Approval Requirements below which the
38 Planning Board shall consider ~~the following factors~~ in determining whether to approve or deny a special
39 permit under this By-law:

40 a) whether the applicant has conformed to the design standards of this By-law and will deliver the
41 needed affordable units. The Design standards the applicant shall consult for Affordable Housing
42 Apartments, and for all projects where applicable, are those as described for Dennis Port in §8.10 –
43 §8.13 and for West Dennis in §9.7.12 - §9.10. All applications under §4.9 shall detail how the
44 project is consistent with Massachusetts Sustainable Development Principles that promote
45 development that is compact, conserves land, protects historic resources, integrates uses,
46 encourages reuse of existing sites, structures and infrastructure rather than new construction in
47 undeveloped areas, is pedestrian friendly, near jobs, transit and services, and compatible with the
48 community's character and vision.

49 b) whether the development, density increase or relaxation of zoning standards has a material,
50 detrimental effect on the character of the neighborhood or Town and is consistent with the

51 performance standards of the Dennis Zoning By-laws and the Commonwealth of Massachusetts
52 Sustainable Development Principles as required by MGL Ch. 40B Guidelines VI.A.1 and whether
53 the proposal incorporates sustainable practices such as water conservation measures, energy
54 efficiency, environmental considerations, accessibility, etc. The ten (10) MA Sustainable
55 Development Principles are: Concentrate Development and Mix Uses; Advance Equity; Make
56 Efficient Decisions; Protect Land and Ecosystems; Use Natural Resources Wisely; Expand
57 Housing Opportunities; Provide Transportation Choice; Increase Job and Business Opportunities;
58 Promote Clean Energy; and Plan Regionally (See Application for further detail).

59 c) whether the proposed development site plan is designed in its site allocation, proportions,
60 orientation, materials, landscaping and other features as to provide a stable and desirable character
61 complementary and integral with the site's natural features. AND

62 e)d) Whether the site is appropriate in terms of Flood Zones, Wetlands, Environmentally Sensitive
63 Areas, and that existing adjacent uses are not incompatible with residential habitation.
64

65 4.9.2 **AFFORDABLE HOUSING RESTRICTIONS**

66 4.9.2.1 As a condition to any special permit issued under Section 4.9, the applicant shall be required to
67 execute an affordable housing restriction (“Restriction”) in a form acceptable to the Planning
68 Board. The special permit shall not be exercised until the applicant records the Restriction in
69 the Registry of Deeds and an attested copy of the recording is delivered to the Planning Board.

70 4.9.2.2 At least 25% of the housing units created under Section 4.9.2, Affordable Housing
71 Development) shall be subject to a Restriction and a Regulatory Agreement between the
72 developer and the Town and approved by the Executive Office of Housing and Livable
73 Communities (EOHLC – formerly DHCD).

74 4.9.2.3 The Restriction shall provide that units made available for ownership shall be made available at
75 a cost including mortgage interest, principal, taxes, insurance and common charges not
76 exceeding 30% of annual income for a household at or below 80% of Barnstable Countythe
77 Area Median Income (AMI), and shall be sold to households earning at or below 80% of the
78 Area (Barnstable County) Median Income. The Restriction shall limit the re-sale price of any
79 ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with
80 Executive Office of Housing and Livable Communities (EOHLC)Massachusetts Department of
81 Housing and Community Development’s (“DHCD”) regulations and guidelines under Chapter
82 40B of the Massachusetts General Laws for qualification of housing units towards a the
83 Town’s subsidized housing inventory (SHI).

84 4.9.2.4 The restriction shall provide that the Affordable units made available for rental shall be rented
85 at a cost (including heat, but not other utilities) not to exceed 30% of the annual income of a
86 household earning 80% of the Barnstable CountyArea median income, and shall be rented to
87 households earning at or below 80% of the AMI (Barnstable County) median income.

88 4.9.2.5 An Affordable Housing Apartment created under subsection 4.9.3 shall be subject to a
89 Restriction, which shall provide that units made available for rental shall be rented at a cost
90 (including heat, but not other utilities) not to exceed 30% of the annual income of a household
91 earning 80% of the Area (Barnstable County) median income, and shall be rented to
92 households earning at or below 80% of the Barnstable CountyArea median income.

93 4.9.2.6 Notwithstanding subsection 4.9.42.2 and 4.9.42.3, maximum rents and sale price shall be
94 governed by the Executive Office of Housing and Livable Communities (Formerly DHCD)2s
95 regulations under Chapter 40B of the Massachusetts General Laws, and shall be set at levels
96 that will enable the Town to qualify the housing units created under this By-law towards the
97 Town’s subsidized housing inventory (SHI). A Building Permit shall not be issued until the
98 Regulatory Agreement has been approved by EOHLC and the Town and signed by the
99 applicant and recorded at the Registry of Deeds. A Certificate of Occupancy shall not be issued
100 to any unit in a complex until the Affordable Restriction has been approved by the Town and
101 EOHLC and recorded at the Registry of Deeds by the applicant.

102 4.9.2.7 In addition to requirements of Section 4.9.42 (Affordable Housing Restriction), it shall be a
103 condition upon every special permit issued under this By-law that the applicant shall comply
104 with any Massachusetts EOHLC regulations and guidelines for qualification of the restricted
105 Affordable housing units created under this By-law towards the Town's subsidized housing
106 inventory (SHI), including but not limited to the form of the affordable housing restriction and
107 regulations concerning tenant selection and marketing, unit design standards, and income
108 eligibility standards. The Restriction shall further provide that the applicant shall cooperate
109 with the Town in good faith to qualify any restricted housing unit towards the Town's
110 subsidized housing inventory.

111 4.9.2.8 In the event that a housing unit subject to a restriction created under this By-law becomes
112 vacant, the owner shall give written notice to the Dennis Planning Department, Dennis
113 Housing Authority and Dennis Affordable Housing Trust.

114 4.9.2.9 Current employees of the town of Dennis and residents of the town of Dennis shall have
115 preference over non-residents in the selection of tenants and buyers of housing units subject to
116 a restriction to the extent permitted by EOHLC regulations and state or federal laws.

117 4.9.3 DEFINITIONS

118 AFFORDABLE HOUSING APARTMENT: A housing unit created under the provisions of Sections
119 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
120 below 80% of Area Median Income (AMI), and shall be rented to households earning at or below
121 80% of the AMI and which is subject to an affordable housing restriction and Regulatory Agreement
122 pursuant to Section 4.9.42 and EOHLC requirements.

123 AFFORDABLE HOUSING DEVELOPMENT COMPLEX: A tract of land of more than 2 1/2 acres
124 of upland (not including wetlands as defined by the Wetland Protection Act, M.G.L. c. 131, § 40)
125 containing units of residential housing, of which at least 25% are encumbered by affordable housing
126 deed restrictions.

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

129
130 AREA MEDIAN INCOME (AMI): Means area median household income as defined by HUD
131 pursuant to section 3 of the 42 U.S.C. 1437 (the Housing Act of 1937), as amended, adjusted for
132 household size.

133
134 DWELLING UNIT: A single unit providing complete, independent living facilities for one or more
135 persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation as
136 required by state sanitary code. ~~A housing unit that contains kitchen facilities including a stove or~~
137 ~~oven, refrigerator, and sink, and a bathroom including a bath or shower.~~

138 EOHLC: Executive Office of Housing and Livable Communities (Formerly the Department of
139 housing and Community Development – DHCD) is the Massachusetts state agency focused on
140 promoting affordable housing through regulations, funding and overseeing programs such as Chapter
141 40B, affordable housing initiatives, emergency shelter systems and public housing.

142 ENVIROMENTALLY SENSITIVE AREA: Per Board of Health re: 16B Variance - Land area
143 within one hundred feet (100') of marshland, tidal flats, coastal dunes, barrier beaches, coastal banks
144 or beaches, surface water; or land area containing subsurface water which is six feet (6') or less
145 below natural ground surface elevation; plant or animal habitats of threatened or endangered species;
146 DEP Zone II Water Recharge Areas; Designated Areas of Critical Planning Concern.

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

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

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

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

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

164 SHORT TERM RENTAL: "Short-term rental", an owner-occupied, tenant-occupied or non-owner
165 occupied property including, but not limited to, an apartment, house, cottage, condominium or a
166 furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast
167 establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all
168 accommodations are reserved in advance; provided, however, that a private owner-occupied property
169 shall be considered a single unit if leased or rented as such. (Per MGL Chapter 64G).

170 YEAR-ROUND: Housing for occupancy by persons or families who occupy either rental or other
171 housing as their principal residence for not less than 10 months a year (Per MGL Chapter 23B §32).
172

173 **4.9.4 AFFORDABLE HOUSING APARTMENT(S)**
174

175 **4.9.4.1** The Planning Board may by special permit allow the creation of Affordable Housing Apartments in
176 residential and the following commercial zoning districts: General Commercial I, II and III;
177 Limited Business; Dennis Port Village Area A and B; and West Dennis Village, Marine and
178 Mixed-Use Districts.

179 **4.9.4.2** Affordable Housing Apartments may also be created by converting an existing accessory structure
180 on a commercial property, or space within a Principal Commercial Structure, to a dwelling unit.
181 Affordable Housing Apartments created under this bylaw shall be accessory to either an existing
182 residential use or commercial use.

183 **4.9.4.3** At least 25% of all housing units created under Section 4.9.4 shall be deed-restricted Affordable
184 Housing year-round units as provided for under 4.9.2 (Affordable Housing Restriction and
185 Regulatory Agreement) and placed on the Subsidized Housing Inventory (SHI) by the applicant.
186 This includes all aspects required by EOHLC including the process to select eligible tenants. All
187 housing units, Affordable and market rate, created under Section 4.9 shall be year-round housing
188 units. There shall be no Short-Term Rentals in any of the housing units created under § 4.9.

189 **4.9.4.4** An Affordable Housing Apartment must have the following minimum areas: (Per 40B Guidelines
190 VI.B.4.(3) unless the applicant has been approved for a waiver from such size requirements by the
191 Executive Office of Housing and Livable Communities (EOHLC).

192	<u>studio</u>	<u>250 square feet</u>
193	<u>one-bedroom units</u>	<u>700 square feet</u>
194	<u>two-bedroom units</u>	<u>900 square feet</u>
195	<u>three- bedroom units</u>	<u>1,200 square feet</u>
196	<u>four-bedroom units</u>	<u>1,400 square feet</u>

197 **4.9.4.5** Special Permit Requirements for Affordable Housing Apartments.

198 **4.9.4.5.1** The Planning Board shall have the discretion to reduce the off-street parking requirements
199 otherwise applicable under Section 3.1, where (1) the number of units to be restricted under
200 Section 4.9.4 exceeds 25%, ~~and~~ (2) the applicant demonstrates in writing that how the

201 proposed parking is sufficient to address the parking needs of the proposed uses on the site, and
202 (3) the applicant demonstrates, with a plan or other means that the proposed reduction in
203 required parking does not impact the neighborhood in which it is located.

204 4.9.4.5.2 For new development (not conversions) with more than twenty (20) residential units or within
205 500 feet of an intersection the Cape Cod Commission has identified as a Top 50 Crash
206 Intersection (on Cape Cod), a traffic study prepared by an approved engineering firm (chosen
207 by and reporting to the Planning Board but paid for by the applicant) shall be shall be provided
208 by the Applicant as part of the Special Permit review process.

209 4.9.4.5.3 A properly screened area must be provided for storage of trash and recyclable materials.
210 Outside storage areas or enclosures shall be kept clean and shall be large enough to
211 accommodate the storage of all garbage and refuse containers. Garbage and refuse containers,
212 dumpsters, and compactor systems shall be stored on or above a smooth surface of
213 nonabsorbent material such as concrete or asphalt.

214 4.9.4.5.4 Only those basements with natural at-grade walk-out capabilities may be created or converted
215 into living space and gwhich meet all Building, Health and Safety Codes.

216 4.9.4.5.5 Garage parking stalls may be converted into living space only if the applicant can demonstrate
217 an efficient and cost-effective method for providing heat and other utilities to the unit to be
218 created and which meet all Building, Health and Safety Codes.-

219 4.9.4.5.6 For multiple unit projects, tThe second unit created, and every fourth unit created there-after
220 shall be deed restricted as permanently affordable units per the applicable standards in Section
221 4.9 and as required by EOHL C.4 below. In no case shall less than twenty-five percent of the
222 units be affordable.

223 4.9.4.5.7 All units created shall be for year-round housing.

224 ~~4.9.4.5.8~~ _____

225 ~~**AFFORDABLE HOUSING APARTMENTS ACCESSORY TO COMMERCIAL USES**~~
226 ~~An Affordable Housing Apartment may be created by converting an existing accessory structure, or space~~
227 ~~within a Principal Commercial Structure, to a dwelling unit. The following additional standards and~~
228 ~~conditions shall govern special permits issued under this sub-section:~~

229 ~~4.9.4.5.9~~ 4.9.4.5.8 _____ Commercial structures may be expanded by ~~increasing the footprint or~~ the
230 addition of a second story, where none exists, for the purposes of creating affordable housing
231 apartments. A structure proposed to include an affordable housing apartment may be expanded
232 by the granting of a Special Permit which is based upon a finding by the Planning Board that the
233 conditions present on the site are adequate to support the proposed use, protect the surrounding
234 neighborhood and meet the intended goals of providing affordable housing.

235 ~~4.9.4.5.10~~ 4.9.4.5.9 _____ Commercial structures may be expanded by increasing the footprint for the
236 purposes of creating affordable housing apartments where the total site coverage of buildings
237 and impervious surfaces are and will remain less than 50% and based upon a finding by the
238 Planning Board that the conditions present on the site are adequate to support the proposed use,
239 parking, traffic, septic, access, protect the surrounding neighborhood, are not in an
240 Environmentally Sensitive Area, and meet the intended goals of providing affordable housing.

242 4.9.5 **CONVERSION OF HOTELS AND MOTELS TO AFFORDABLE HOUSING**
243 **APARTMENTS**

244 4.9.5.1 Affordable Housing Apartments may be created by converting an existing accessory structure, or
245 space within a hotel or motel, into dwelling units. The following additional standards and
246 conditions shall govern special permits issued under this section:

247 4.9.5.2 Units created through conversions shall not be less than ~~250-225~~ square feet not including areas not
248 intended for human habitation such as areas of the basement, attic or garage. In order to promote
249 the mixture of housing units, the following standards shall apply:

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

252 * ~~No more than 25% of the units created may have a minimum floor area of less than 400 sf.~~
253

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

256 4.9.5.3 Hotel or motel structures may be expanded by ~~increasing the footprint or~~ the addition of a second
257 story, where none exists, for the purposes of creating affordable housing apartments. A hotel or
258 motel structure proposed to include an Affordable Housing Apartment may be expanded by the
259 granting of a Special Permit which is based upon a finding by the Planning Board that the conditions
260 present on the site are adequate to support the proposed use, parking, traffic, septic, access, protect
261 the surrounding neighborhood and meet the intended goals of providing affordable housing.

262 4.9.5.4 Hotel or motel structures may be expanded by increasing the footprint for the purposes of creating
263 affordable housing apartments where the total site coverage of buildings and impervious surfaces
264 are and will remain less than 50%. A hotel or motel structure proposed to include an Affordable
265 Housing Apartment may be expanded by the granting of a Special Permit which is based upon a
266 finding by the Planning Board that the conditions present on the site are adequate to support the
267 proposed use, parking, traffic, septic, access, protect the surrounding neighborhood, are not in an
268 Environmentally Sensitive Area, and meet the intended goals of providing affordable housing
269

270 4.9.6 **AFFORDABLE HOUSING DEVELOPMENTS COMPLEX:**

271 4.9.6.1 Density increases shall be allowed by special permit for Affordable Housing Developments as
272 governed by Section 4.9.2 below, and any density increases shall be addressed in compliance with
273 Sections 4.9.1.1 (Project Approval Requirements) and 4.9.2 of the by-laws.

274 4.9.6.2 Intensity of Use

275 4.9.6.2.1 A minimum tract of two and one-half (2 1/2) acres of upland (not including wetlands as
276 defined by the Wetland Protection Act, M.G.L. c. 131, § 40) shall be required, subject to the
277 provisions of Section 2.3.3.7 regarding minimum upland areas.

278 4.9.6.2.2 The Planning Board shall have discretion to reduce or suspend the minimum requirements
279 otherwise applicable under Section 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
280 Loading Requirements) and 4.2 (Multiple Dwellings) for an Affordable Housing Complex
281 Development, provided that the Planning Board finds that the conditions present on the site are
282 adequate to support the proposed use, protect the surrounding neighborhood, the number of
283 units to be restricted under Section 4.9 exceeds 25%, the applicant demonstrates in writing how
284 the proposed parking is sufficient to address the parking needs of the proposed uses on the site,
285 the applicant demonstrates with a plan that the proposed reduction in required parking does not
286 impact the neighborhood in which it is located, and meets the intended goals of providing
287 affordable housing; and provided however that there must be:

288 4.9.6.2.3 at least 10,000 square feet for each bedroom created in an Affordable Housing Development;

289 4.9.6.2.4 a maximum height of 35 feet ~~and or two stories~~;

290 4.9.6.2.5 a maximum building coverage of 15%;

291 4.9.6.2.6 a maximum total site coverage of 50% including buildings and impervious surfaces; and

292 4.9.6.2.7 A maximum of sixteen (16) dwelling units shall be allowed in any one building with a
293 minimum building separation of twenty feet.

- 294 4.9.6.2.8 An Affordable Housing Complex Development shall not be located in a Zone 1 or Zone 2
 295 Department of Environmental Protection (DEP) Wellhead Protection Area.
- 296 4.9.6.2.9 The Planning Board shall have the discretion to permit a density of greater than one bedroom
 297 for every 10,000 square feet if the project is connected to the Water Resource Recovery
 298 Facility (hereafter “sewer”) or can handle the proposed septic without variance from the health
 299 regulations and based upon the recommendation of the Dennis Board of Health that the waste
 300 water system recommended for the site meets all state and local environmental standards for
 301 the protection of public health and water quality.
- 302 4.9.6.3 Special Permit Requirements for Affordable Housing Complex Developments (4.9.6):
- 303 4.9.6.3.1 The Planning Board shall may have the discretion to reduce the off-street parking requirements
 304 otherwise applicable under Section 3.1 where (1) the number of units to be restricted under
 305 Section 4.9.4 exceeds 25%, and (2) the applicant demonstrates in writing that how the
 306 proposed parking is sufficient to address the parking needs of the Affordable Housing
 307 Development and (3) the applicant demonstrates with a plan that the proposed reduction in
 308 required parking does not impact the neighborhood in which it is located.
- 309 4.9.6.3.2 The tract of land to be developed shall provide for front, rear and side setbacks of 20 feet,
 310 which shall constitute vegetated buffers, except for where crossed by site driveways;
- 311 4.9.6.3.3 Where an applicant proposed to divide the tract of land that is the locus of a proposed
 312 Affordable Housing Development, the minimum lot size shall be ten-thousand (10,000) square
 313 feet. The Planning Board may, in its sole discretion, reduce the internal front and rear yard
 314 setback requirements of Section 2.3.2, provided however, that said setbacks shall be no less
 315 than ten (10) feet. The Affordable Housing Development must still comply with the setback
 316 requirements of Section 4.9.2.3.4 as if the tract of land was not subdivided.
- 317 4.9.6.3.4 The Affordable Housing Development must conform to all other requirements of the Zoning
 318 By-law. In the event that a provision of Section 4.9.2 conflicts with another provision of the
 319 By-law, the provisions of Section 4.9.2 shall control.
- 320 4.9.6.3.5 For multi-family buildings a properly screened area must be provided for storage of trash and
 321 recyclable materials. Outside storage areas or enclosures shall be kept clean and shall be large
 322 enough to accommodate the storage of all garbage and refuse containers. Garbage and refuse
 323 containers, dumpsters, and compactor systems shall be stored on or above a smooth surface of
 324 nonabsorbent material such as concrete or asphalt.
- 325 4.9.6.3.6 The second unit created, and every fourth unit created there-after shall be deed restricted as
 326 permanently affordable units, per the applicable standards in Section 4.9.4 ~~2~~below. In no case
 327 shall less than twenty-five percent of the units be affordable. All units created in an Affordable
 328 Housing Complex shall be ~~for deed-restricted~~ year-round housing.

329

330 4.9.7 **MUNICIPALLY SPONSORED AFFORDABLE HOUSING PROJECTS**

- 331 4.9.7.1 GENERAL OBJECTIVES: This section is intended to allow the Dennis Board of Selectmen to act
 332 as a sponsor for public or public/private joint venture affordable housing projects which:
- 333 a. encourages practical residential development in the reuse of existing structures;
 - 334 b. promotes in-fill (development of vacant lots in an otherwise built-up area) residential development;
 - 335 c. is compatible with the adjacent neighborhood;
 - 336 d. encourages development of economically priced housing and a variety of types of housing; and
 - 337 e. fosters flexibility and creativity in the creation of affordable housing.

338

339 Based upon these provisions, a project for Special Permit submittal to the Dennis Planning Board may be
 340 made upon a positive vote of the Dennis Board of Selectmen: ~~4.9.2.4.2 MODIFIED PROCEDURES~~

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

- 345
- 346 a. the minimum requirements of Sections 2.3 (Intensity Regulations), 3.1 (Off-Street Parking and
347 Loading Requirements) for the affordable units, and 4.2 (Multiple Dwellings) shall not apply
348 provided however that there must be:
 - 349 a. a maximum height of 35 feet and two stories;
 - 350 b. a maximum building coverage of 15%;
 - 351 c. a maximum total site coverage of 50%;
 - 352 d. a minimum building separation of twenty feet; and
 - 353 e. a determination that parking will be adequate in number and size to serve the proposed use.
 - 354 b. For Municipally Sponsored Affordable Housing projects, the Minimum Area of the Tract to be
355 Developed ~~under Section 4.9.2.3.1~~ may be less than 2 ½ acres;
 - 356 c. the maximum density of the Tract to be Developed may be greater than one bedroom per 10,000 sf
357 of land area based upon a recommendation of the Dennis Board of Health that the waste water
358 system recommended for the site can handle the proposed septic without variance from the health
359 regulations and meets all state and local environmental standards for the protection of public health
360 and water quality;
 - 361 d. The tract of land to be developed shall provide for front, rear and side setbacks of at least 20 feet,
362 which shall constitute vegetated buffers, except for where crossed by site driveways; and
 - 363 e. the minimum parking requirement may be less than 2 parking spaces per residential unit in a
364 Municipally Sponsored Affordable Housing project. The Planning Board shall have the discretion
365 to reduce ~~all other~~ off-street parking requirements as otherwise applicable under Section 3.1 if the
366 applicant demonstrates in writing how the proposed parking is sufficient to address the parking
367 needs of the proposed uses on the site and demonstrates, with a plan or other means, that the
368 proposed reduction in required parking does not impact the neighborhood, and based upon a
369 finding that the parking is sufficient to meet the needs of the proposed use of the property.

370

371 4.9.7.2 The Planning Board shall be the Special Permit Granting Authority (SPGA) for Municipally
372 Sponsored Affordable Housing Projects after a formal vote from the Select Board.

373 4.9.7.3 All units created shall be deed restricted as permanently affordable units per the applicable
374 standards in Section 4.9.2 of this by-law unless otherwise noted in conformity with the following
375 requirements. In no case shall less than (50) fifty percent of the units be affordable to households
376 earning less than 80% of the Area median income (AMI). An additional Twenty-five percent of
377 the units shall be affordable for people earning no more than 120% of the area's median income.
378 All units created in a Municipally Sponsored Housing Project under Section 4.9 shall be for year-
379 round housing.

380

381 4.9.8 **“AFFORDABLE” LOTS**

382 4.9.8.1 A single Lots/Parcel of record as of the June 17, 2003 which does not satisfy minimum lot size
383 requirements and which ~~are is~~ not protected as a nonconforming lots by law because ~~they are~~ it is or has been
384 in common ownership with adjoining lots, AND is a lone undeveloped parcel in an existing developed
385 neighborhood (more than 25 developed contiguous parcels with houses) surrounded by similarly sized
386 parcels (within 20% of the area of the lot to be developed), may nevertheless be built upon for a year-round,
387 deed-restricted Affordable Housing unit by Special Permit from the Planning Board. Additionally, a single-
388 family home on such a lot shall be made available at a cost including mortgage interest, principal, taxes,
389 insurance and common charges not exceeding 30% of annual income for a household at or below 80% of the
390 Area Median Income as provided for under 4.9.2 (Affordable Housing Restriction) and placed on the
391 Subsidized Housing Inventory (SHI) by the applicant, and under the following conditions:

- 392 4.9.8.1.1 ~~Each~~ The lot contains at least ~~10,000~~7,500 square feet of land area with 50 feet of frontage and
393 satisfies other applicable Board of Health requirements. Except that no lot located
394 within a Zone II Water Recharge Area shall be built upon.
- 395 4.9.8.1.2 ~~Each~~ The lot has safe and adequate access to an existing public way or a constructed and paved
396 private way (not a paper road).
- 397 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
398 the street from the lot to be separated.
- 399 4.9.8.1.4 ~~Each~~ The lot may not be used for a structure larger than three bedrooms, and there must be a
400 minimum of ~~5,000~~2,500 square feet of land area for each bedroom: if the project is connected
401 to the Water Resource Recovery Facility (hereafter “sewer”) or can handle the proposed
402 septic without variance from the health regulations and based upon the recommendation of
403 the Dennis Board of Health that the waste water system recommended for the site meets all
404 state and local environmental standards for the protection of public health and water quality.
- 405 4.9.8.1.5 The applicable front, side and rear setbacks shall be determined by establishing an average setback
406 based upon the principal structures on the lots immediately adjacent to and across the street
407 from the lot to be built upon as a separate lot.
- 408 4.9.8.1.6 For Affordable Houses built under this section of the bylaw, Lot Coverage of the Building shall not
409 exceed 12%; Floor Area Ratio shall not exceed 20%; and total site coverage (impervious
410 surfaces) shall not exceed 25%.
- 411 4.9.8.1.7 Where two or more existing undersized lots are held in common ownership this bylaw shall not
412 apply, one of the two ~~The~~ lots shall be deed restricted as permanently affordable, per the
413 applicable standards in Section 4.9.42 of the Dennis Zoning Bylaw.
- 414 4.9.8.1.7 Lots proposed to be developed by this bylaw must first produce an existing condition plan
415 identifying topography, drainage, utilities, vegetation and any specimen trees that may have
416 grown in the intervening years. Setbacks and lot coverage may be adjusted to save specimen
417 trees and improve drainage. Where more than two lots are held in common ownership, the
418 second, third and fifty percent of the remaining lots to be built upon under the special permit
419 shall be deed restricted as permanently affordable (i.e. the fourth lot may be market rate, fifth
420 shall be affordable, sixth market rate etc), per the applicable standards in Section 4.9.4 of the
421 Dennis Zoning By Law.
- 422 4.9.8.1.8 This section shall not prevent a lot owner of such an existing undersized lot from building a house
423 on such lot and from transferring the lot to an income eligible immediate family member
424 (sibling, parent or child) by gift or inheritance, provided that the Affordable Housing
425 ~~Restriction~~ and Regulatory Agreement approved by EOHLC required by this subsection is
426 properly recorded at the Registry of Deeds prior to issuance of a building permit, ~~provided~~
427 ~~that the lot owner (or immediate family member) owned the lot as of October 18, 2005.~~
428