

4450. Affordable Housing Conditional Density Development

4451. Purpose And Authority. The purpose of Section 4450 is to further the goal of encouraging a variety of affordable housing types for persons of various age and income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable housing, and for the purpose of:

1. Helping residents and their families who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and,
2. Maintaining a stable economy by preventing out-migration of residents who are an essential part of our community.

The Planning Board may grant a special permit that allows an increase in density through a relaxation of dimensional requirements of the Sandwich Protective Zoning By-law as described in Section 4453. Any special permit granted pursuant to this section shall require that a percentage of all units developed on the site be sold and maintained at affordable prices according to the standards contained in Section 4453 and 4455.

For the purpose of Section 4450 the Planning Board shall be the Special Permit Granting Authority (SPGA).

4452. Procedures. Density increases shall only be allowed in accordance with the requirements and restrictions set out in Section 4453 and 4455 of this by-law. **A Conditional Density Affordable Housing Development shall not have more than 40 dwelling units.** Any Special Permit application under this section shall also be accompanied by a definitive plan application, showing the proposed lots and roadways, which shall be advertised and noticed according to the provisions of the M.G.L. Chapter 41, Section 81. The Planning Board public hearings for the Special Permit and the Definitive Plan shall run concurrently. As a further incentive for the construction of affordable housing the Board may, at its discretion and upon written request from the applicant, waive certain standards for requirements set forth in the Sandwich Planning Board Subdivision Rules and Regulations

4453. Standards.

a.) **Number Of Dwelling Units.** The number of units allowed in an Affordable Housing Conditional Density Development shall be as follows:

Homeownership		
Number of Dwelling Units	Percent Affordable	Maximum number of units allowed
4 Units per acre	100% Affordable Units	40
2 Units per acre	50% Affordable Units	20

Rental		
I Bedroom Units or Units Deed Restricted to Age 55 and older*		
Number of Dwelling Units	Percent Affordable	Maximum number of units allowed
10 Units per acre	100 % Affordable Units	40
6 Units per acre	50% Affordable Units	20
2 Bedroom Units		
Number of Dwelling Units	Percent Affordable	Maximum number of units allowed
4 Units per acre	50% Affordable Units	20

* Such units shall be limited to residency by persons, and their dependents as defined under state and federal regulations, who have achieved a minimum age requirement for residency of at least fifty five (55) years of age.

Dimensional regulations other than lot area shall follow the standards set out in Section 4443 Flexible Dimensions for Cluster Lots. Lot coverage, yard, frontage and lot area regulations shall be the following, **in lieu of the requirements in Section 2600:**

Maximum Lot Coverage:				
Lot area	5000 SF	T o	10000 SF	45 %
Lot area	10001 SF	T o	20000 SF	35 %
Lot area	20001 SF	T o	30000 SF	30 %
Lot area	30001 SF	T o	40000 SF	25 %
Minimum Front Yard	15 ft.			
Minimum Lot Frontage	50 ft*		Maximum Lot Frontage	75ft *
Minimum Side and Rear Yard	12 ft.**			

*But not less than 150 feet if on an arterial street.

**Except not less than the requirements of Section 2600 for yards in the development

abutting property not located within the Cluster Development. Accessory buildings shall not be located within six feet of any property line including property lines shared in common with open space parcels, but shall not be less than the requirements of Section 2600 for yards abutting property not located within the Cluster Development.

- b.) **Design Standards.** Affordable housing units created through this by-law shall be harmonious with the rest of the development and shall be similar in design, appearance, construction, and quality of materials with other units in the development and with the surrounding neighborhood.
- c.) **Lottery.** The lottery for any affordable units permitted under this section

shall be conducted before commencement of any construction of roads or structures on the site and before any building permits are granted. The Planning Board shall designate a lottery agent as a condition of the special permit.

- d.) **Phasing.** A schedule of construction that provides for the timely delivery of affordable units must be submitted to and approved by the Planning Board prior to the endorsement of the Definitive Plan.
 - 1. In no case shall building permits be issued for more than 25% of the market rate units until 25% of the affordable units are constructed. After the initial 25% of the market rates units and 25% of the affordable units are constructed, building permits for the remainder of the units shall only be issued on a 1 to 1 basis, that is 1 affordable then 1 market rate and so on until all the affordable units are permitted and constructed. The last unit permitted and constructed shall be a market rate unit.
 - 2. The project may also be constructed in its entirety with all permits applied for at one time provided that the occupancy permits are issued with an initial phase of no more than 25% of the market-rate units being issued certificates of occupancy until 25% of the affordable units are issued certificates of occupancy. After this initial phase, certificates of occupancy shall only be issued on a 1 to 1 basis, that is 1 affordable and 1 market-rate and so on until all the affordable units have certificates of occupancy. The last unit to be issued a certificate of occupancy shall be a market rate unit.
 - 3. Projects that are 100% affordable are not subject to phasing.

4454. Special Permit Criteria. The Planning Board will review all projects for conformance

with the following criteria:

- a.) The proposed development conforms to the design standards of this by-law and will deliver the affordable units according to the provisions of Section 4453d.
- b.) The proposed development site plan is designed in its proportions, orientation, materials, landscaping, and other features as to provide a stable and desirable character complementary to and integral with the natural features.
- c.) The Board finds that the development and commensurate density increase does not have a detrimental effect on the character of the neighborhood or community and is consistent with the performance standards of the Sandwich Zoning By-law.
- d.) The proposed development is consistent with all municipal comprehensive plans, policies and objectives.

4455. Long Term Affordability. As a condition to any special permit issued under Section

4450 All affordable housing units created under Section 4450 shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The special permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the

Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings.

a.) **Affordable Housing Restriction**

1. **Homeownership Units.** The Restriction shall provide that units made available for ownership shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30% of annual income for a household at or below 70% of the Area Median Income (AMI) of the Barnstable-Yarmouth Metropolitan Statistical Area (MSA), and shall be sold to households earning at or below 70% of the Area Median Income (AMI) of Barnstable-Yarmouth MSA. The Restriction shall limit the re-sale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Massachusetts Department of Housing and Community Development's (DHCD) regulations and guidelines under Chapter 40B of the Massachusetts General Laws.
2. **Rental Units.** The Restriction shall provide that units made available for rental shall be rented to a person or family whose income is 70% or less of the Area Median Income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA). The rent, including heat but not other utilities, shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 70% or less of the median income of MSA. In the event that utilities are separately metered, the utility allowance established by the Sandwich Housing Authority shall be deducted from HUD's rent level.

b.) **Regulatory Agreement.** The resale of affordable units created under this section shall be governed by the regulatory agreement executed as a condition of any special permit granted under this section. Eligible purchasers are given the opportunity to purchase the Affordable Units at a reduced price of the Affordable Unit's appraised fair market value if the purchaser agrees to convey the Affordable Unit on resale:

1. To an eligible purchaser located by the Town of Sandwich or the Monitoring Agent or the property owner or,
2. To the Town of Sandwich, for an amount equal to the Maximum Resale Price, which is determined by multiplying the most recent published area median income as determined by the United States Department of Housing and Urban Development ("HUD") (the "Base Income Number") by the Maximum Resale Price Multiplier. Maximum Resale Price Multiplier is calculated at the initial sale by dividing the Initial Sales Price by the Base Income Number.

4456. Application Requirements.

- a.) **Special Permit.** Applicants for a Special Permit under this section shall include the following materials with the application:
1. A completed application form.
 2. A plan depicting existing conditions and a general description of existing conditions for abutting properties; the nature and location of existing buildings on the property or within 300' of the property line; existing street layouts and elevations and open spaces within the neighborhood of the property.
 3. Preliminary, scaled architectural drawings, signed by a registered architect, for each proposed building as well as elevations for each building. In the case of rental properties these plans shall include floor plans for each unit proposed.
 4. A tabulation of proposed buildings by type, size including number of bedrooms; lot coverage by structure and all impervious areas; and any additional area to be developed for any use for example parking, driveways, lawns, gardens and so forth.
 5. A preliminary utilities plan.
 6. Draft documents that comply with the provisions of Section 4455. Such documentation shall also include the proposed affordable housing unit sales price or rental amounts.
- b.) **Definitive Plan.** Applicants for a definitive plan pursuant to Section 4450 shall include the following materials with the application:
1. A completed application form (Form C).
 2. A municipal lien certificate.
 3. Subdivision plans prepared according to the requirements of the Sandwich Planning Board Subdivision Rules & Regulations.