

To see if the Town will vote to amend the Wareham Zoning Bylaws by adding the following Sections to ARTICLE 8, Namely 830 through 844:

830. LOCAL INITIATIVE PROGRAM – LOCAL ACTION UNITS – AFFORDABLE HOUSING – NEW CONSTRUCTION

831: PURPOSE: To create a Local Initiative Program to provide the residents of Wareham the ability to have some control over, and to benefit from, the State's Affordable Housing Requirements by allowing residents to use the State's minimum zoning allowances, as conditioned within this zoning bylaw, to create affordable housing that shall be included in the Town's Subsidized Housing Inventory (SHI).

832: GENERAL PROVISIONS: A single family or two-family residence may be constructed, subject to the following standards and provisions, if 100% of the unit(s) are deed restricted as Affordable. "Affordable" is defined as being able to be bought or rental by someone whose total annual household income does not exceed 80% earnings of the Area Median Income (AMI) or less, as identified by HUD's median family incomes, derived from the American Community Survey and / or the Massachusetts Department of Housing and Community Development Income guidelines.

833: DEVELOPMENT STANDARDS – GENERAL

833.1: LOT SIZE: Any property to be developed under this bylaw shall consist of a lot that is shown on an Approved Plan, created and approved prior to January first, nineteen hundred and seventy-six, which contains at least five thousand (5,000) square feet of area and fifty (50) feet of frontage and shall be a lot that was joined in common ownership with others due to previous changes in the Town's zoning. The proposed lot shall conform with and compliment other lots and homes in the neighborhood.

833.2: SETBACKS: Development of the property shall comply with the pre-existing, non-conforming setbacks that existing properties in the same zoning area are required to abide by.

833.3: SIZE: The construction of the proposed dwelling shall have a footprint of at least fifteen percent (15%) of the lot area, but shall not exceed twenty percent (20%) of coverage. Based on a 5,000 square foot lot, the dwelling shall have a 750 to 1,000 square feet footprint. The dwelling shall not exceed 35 feet in height.

833.4: WATER and SEWER: The lot shall be served by a public water system adequate in terms of fire protection and domestic use. The lot shall also be within an area served by sewer, or shall be required to comply with Title V Sanitary Regulations without needing to obtain a Special Permit or Variance from the Board of Health.

833.5: PERMITTING: As this is a Local Initiative Program, the current owner of the existing property shall file a "Local Action Unit" Application with the Board of Selectmen, or their staff designee. As part of the application, the owner shall provide a copy of the original plan or Assessor's records that identify the lots that are currently joined under existing zoning, and a plan showing the proposed lot divided off the current property, and that the 5,000 square feet shall be satisfied by both the proposed lot and the contributing property.

833.6: FEES and APPROVALS: The Application Fee shall be \$100. The Inspectional Service (Building, Electricity, Plumbing) Fees, sewer connection fees, shall be calculated at fifty-percent of existing fees. The Board of Selectmen shall utilize staff to determine the appropriateness of the proposed Local Action Unit(s). The Board of Selectmen, or their staff designee, shall provide approval within 45 days of the application. If the proposal is rejected by a staff designee, the applicant may appeal to the Board of Selectmen. If it is rejected by the Board of Selectmen, the applicant may file an appeal in accordance with M.G.L. c. 40A, § 17.

833.7: DEED RESTRICTION REQUIREMENT: Once approved by the Town, the owner may do one of three options;

833.71: The current owner may choose to sell the newly recognized lot for a price not to exceed to ten percent (10%) of the sale price of an affordable three-bedroom home, as determined by the Massachusetts Department of Housing and Community Development for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property at the time of the sale. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.72: The current owner may choose to develop the property themselves to sell. The property shall be deemed to have no value for determining costs of construction, but the owner shall be able to profit up to twenty percent (20%) of the construction costs. The total in construction costs and the twenty percent profit shall not exceed the Affordable Sales Price, as determined by DHCD for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property at the time of the sale. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.73: The current owner may choose to develop the property, and keep it for rental income.

If the newly developed property is a single family dwelling, the rental price shall be determined by DHCD rental limits for someone making 80% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property prior to a building permit is issued, and another in the Board of Selectmen's approved form, at the time of a occupancy permit is issued. A copy of the deed restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

If the newly developed property is a two-family dwelling, the rental price for each unit shall be determined by DHCD rental limits for someone making 60% of the median income for the statistical market. A deed restriction, in a manner and form approved by the Board of Selectmen, shall be placed on the property prior to a building permit is issued, and another in the Board of Selectmen's approved form, at the time of an occupancy permit is issued. A copy of the deed

restriction shall be filed with the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

833.8: Once the Town has achieved its 10% affordable housing goal, it shall suspend this by-law until the next Census which will determine if the Town has fallen below the 10% threshold, at which time, the Town shall re-institute this bylaw until the Town achieves the 10% threshold again.

840. LOCAL INITIATIVE PROGRAM – LOCAL ACTION UNITS – AFFORDABLE HOUSING – EXISTING PROPERTIES

841: PURPOSE: To create a Local Initiative Program to provide the residents of Wareham the ability to have some control over, and to benefit from, the State's Affordable Housing Requirements by allowing residents to participate in and benefit from creating additions into deed restricted affordable apartments; to be allowed to deed restrict existing "in-law" apartments as affordable; and to provide "Amnesty" to residents with illegal apartments, allowing them to bring the illegal apartment up to code without penalties and to deed restrict it affordable; as conditioned within this zoning bylaw, to create affordable units that shall be included in the Town's Subsidized Housing Inventory (SHI).

842: GENERAL PROVISIONS: A single family residence may construct an "in-law" apartment or add on a traditional apartment, subject to the following standards and provisions, if the unit is deed restricted as Affordable. "Affordable" is defined as being able to be bought or rental by someone whose total annual household income does not exceed 80% earnings of the Area Median Income (AMI) or less, as identified by HUD's median family incomes, derived from the American Community Survey and / or the Massachusetts Department of Housing and Community Development Income guidelines.

843: DEVELOPMENT STANDARDS – GENERAL

843.1: LOT SIZE: Any property that is to be developed under this bylaw shall consist of a lot with at least 50 feet of frontage and at least a 5,000 square foot lot. The proposed addition shall conform with and compliment other and homes in the neighborhood.

843.2: SETBACKS: The construction of an addition under this bylaw shall comply with the pre-existing, non-conforming setbacks that existing properties in the same zoning area are required to abide by.

843.3: SIZE: The construction of the addition shall limit the total dwelling footprint to no more than twenty percent (20%) of lot coverage. Based on a 5,000 square foot lot, the entire dwelling shall have a 750 to 1,000 square feet footprint. The dwelling shall not exceed 35 feet in height.

843.4: WATER and SEWER: The lot shall be served by a public water system adequate in terms of fire protection and domestic use. The lot shall also be within an area served by sewer, or shall

be required to comply with Title V Sanitary Regulations without needing to obtain a Special Permit or Variance from the Board of Health.

843.5: ACCESS and EGRESS: All units that are to be developed under this bylaw shall have a legal access and egress, as determined by the State Building Code.

843.6: "IN-LAW" CONVERSIONS: An "in-law" apartment for this bylaw shall be defined as an apartment that consists of one bedroom or less, with a kitchen area, bathroom and sitting area. Any property that was granted a Board of Appeals Special Permit or Variance in the past to construct an in-law apartment with conditions that it could not be rented, may apply for the in-law apartment to be counted as a "Local Action Unit." The applicant shall provide a copy of the Zoning Board Decision to the Board of Selectmen with the application. Upon approval, the Board of Selectmen, or its staff designee, shall grant a deed restriction that shall be filed with the Registry of Deeds allowing the "in-law" apartment to be rented, as long as the rent shall not exceed a rent that can be afforded by people who meet fifty percent (50%) of Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development.

843.7: PERMITTING: As this is a Local Initiative Program, the current owner of an existing property shall file a "Local Action Unit" Application with the Board of Selectmen, or their staff designee. As part of the application, the owner shall provide a plot plan showing the proposed addition and the proposed floor plan. It shall not exceed two bedrooms. The Board shall also consider and approve plans of an existing home being modified or remodeled by the interior only, which takes a portion of the floor space and / or a level and make it an apartment. The rents shall not exceed rent that can be afforded by people who meet seventy percent (70%) of Area Median Income (AMI) as determined by the U.S. Department of Housing and Urban Development. The Deed Restriction shall be filed by the owner before an occupancy permit shall be issued.

843.8: FEES and APPROVALS: The Application Fee shall be \$100. The Inspectional Service (Building, Electricity, Plumbing) Fees, sewer connection fees, shall be calculated at fifty-percent (50%) of existing fees. The Board of Selectmen shall utilize staff to determine the appropriateness of the proposed Local Action Unit(s). The Board of Selectmen, or their staff designee, shall provide approval within 45 days of the application. If the proposal is rejected by a staff designee, the applicant may appeal to the Board of Selectmen. If it is rejected by the Board of Selectmen, the applicant may file an appeal in accordance with M.G.L. c. 40A, § 17.

843.9: DEED RESTRICTION REQUIREMENT: A copy of the deed restriction shall be filed with the following the Registry of Deeds and the following Town Departments: Board of Selectmen, Inspectional Services, Assessors, Wastewater, and any other department the Board of Selectmen deem necessary.

844.0: Once the Town has achieved it's 10% affordable housing goal, it shall suspend this by-law until the next Census which will determine if the Town has fallen below the 10% threshold, at which time, the Town shall re-institute this bylaw until the Town achieves the 10% threshold again.