

TOWN OF NATICK

Meeting Notice

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, Sections 18-25

Natick Finance Committee

DAY, DATE AND TIME

March 22, 2018 at 7:00 PM
3rd Flr 13 East Central St. Natick,
MA 01760

PLACE OF MEETING

School Committee Meeting Room

MEETING AGENDA

1. **Public Concerns/ Comments**
2. **Town Administrator's FY2019 Budget - Public Hearing**
 - a. Selectmen's Budget - Adjustments
 - b. Employee Fringe Benefits - Adjustments
3. **2018 Spring Annual Town Meeting Warrant Articles - Public Hearing**
 - a. Article 38- Limit Automatic 2.5% Increase in FY2019 Property Tax
 - b. Article 14 - Capital Improvements
 - c. Article 2 - Committee Reports
 - d. REVISED: Article 7 - Fiscal 2019 Omnibus Budget (including the Affordable Housing Trust budget)
 - e. Article 6 - Fiscal 2018 Omnibus Budget - Adjustments
 - f. Article 24 - Acquisition of Mechanic Street
 - g. Article 29 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirement
 - h. Article 30 - Amendments to the Town of Natick Zoning By-Law and Zoning Map
4. **Adjourn**

Please note the committee may take the items on this agenda out of order.

SUBMITTED BY

ITEM TITLE: Selectmen's Budget - Adjustments
ITEM SUMMARY:

ITEM TITLE: Employee Fringe Benefits - Adjustments
ITEM SUMMARY:

ITEM TITLE: Article 38- Limit Automatic 2.5% Increase in FY2019 Property Tax
ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 38 Proposed Motion	3/22/2018	Exhibit
FinCom Chair email with Sponsor for Article 38	3/22/2018	Exhibit

Article 38 – Proposed Motion Language

"Move that the Town transfer the sum of \$_____ from Free Cash to be used by the Board of Assessors to reduce the tax levy for Fiscal Year 2019 (July 1, 2018 through June 30, 2019)."



Patrick Hayes <phayes.fincom@natickma.org>

Re: Motions for Articles 23 & 38

1 message

Patrick Hayes <phayes.fincom@natickma.org>
To: Connolly <connolly70@verizon.net>
Cc: Frank Foss <Natickmoderator@comcast.net>

Tue, Mar 6, 2018 at 10:00 AM

Paul,

The acting Town Administrator is the single source of financial information for the current TA preliminary budget and the current efforts and strategies to close the gap. If you tune in to the Finance Committee meeting this evening you may hear some updates on the budget gap. But I can't promise that it will satisfy your needs. Regardless, it seems to me that you might want to invest the time to meet with the Acting Town Administrator or at least request and receive updated budget materials from him.

The final budget is scheduled to be heard on March 22 when the Finance Committee is provided the Omnibus article for FY 2019. You are welcome to attend that meeting to learn the totality of the Town Administrator's request to Town Meeting. By coincidence that may be the last scheduled meeting of the Finance Committee and as of now that is where I intend to reschedule your Article 38. You would then be able to make your own determination.

Without meaning to come across as rude, I can't do your work for you. You are the one who has placed Article 38 on the warrant. It is a citizen petition and not a Finance Committee article. You know as well as I do the burden of the proposal lies with you, not with the Finance Committee. It serves no purpose for you to keep asking the Finance Committee to prepare your proposal, arguments and analysis for your article. The Finance Committee won't be cajoled into doing that work.

As of now, I have your Article 23 scheduled for this Thursday, March 8; I have your Article 38 scheduled for March 22 after the Omnibus articles are done.

Thank you,

Patrick Hayes

On Tue, Mar 6, 2018 at 5:13 AM, Connolly <connolly70@verizon.net> wrote:
Patrick,

My understanding is (from looking at the Town website) that the Town currently is proposing a budget that is out of balance by over \$3 million. The Town is supposed to be working on that issue. What do you know? Do you have any information?

It's pretty hard to make the argument that the Town doesn't seem to be adding more operational services than the taxpayers saw last year when there is a long list of new items that are nice to have. The argument against me is to affirm that the Town is indeed adding many more operational services.

So what is the Town doing that I have not found?

If my observation is correct, then the taxpayers should be questioning Town Meeting members about why this approximately \$2.5 million is being spent. How are Town Meeting members supposed to respond to that question and perhaps take action? A motion under Article 38 is a common technique to take such action and affirm that the taxpayers don't want the increased taxes that the Town administration requests to come out of their pockets.

So help me out. What is the final budget going to look like that you expect the Finance Committee to go along with? Give me your best guess, if you must. Then, I'll give you a number in my boiler-plate motion and my best arguments for it.

Paul

Paul E. Connolly
508-653-1308
connolly70@verizon.net

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On Mar 5, 2018, at 9:11 AM, Patrick Hayes <phayes.fincom@natickma.org> wrote:

Paul,

Forgive my denseness. Your Article 38 requires you to understand some number or final funding request so that YOU can determine what amount to put in your motion- that is \$1.00 or \$2,500,000.00 or something in between. I would like to do everything I can to allow YOU to have the opportunity to review all the necessary materials, budgets, or what have you, so that YOU'RE able to determine the amount. It is your article and your proposal so it is your responsibility to come to the table with your proposal. At that time, Finance Committee will be responsive to the proposal.

So I've attached a copy of the current schedule for hearings on the remaining warrant articles. Please identify the point in time when YOU will be able to provide a number for your proposal inside article 38. I will do what I can to reschedule you to that date, keeping in mind that the Finance Committee recommendation book goes to print on March 29/30.

For purposes of staying on some semblance of schedule I will keep Article 23 on Thursday night's schedule. But that likely means that you're coming two nights.

I would like to get this scheduling completed today.

Patrick Hayes

On Fri, Mar 2, 2018 at 4:51 AM, Connolly <connolly70@verizon.net> wrote:
Patrick,

I am confirming that I will attend the March 8 meeting for both articles.

As you noted, I have used particular styles for my recommended motions, which have been employed at Town Meeting in Natick in the past. If the Finance Committee chooses to make a positive motion for Town Meeting consideration, I fully expect that the Finance Committee may modify my inputs as it wishes. In the case of a negative motion, the Finance Committee does its own thing. In the situation when the Finance Committee has no recommendation, I do not remember if the Finance Committee as a courtesy to Town Meeting includes the sponsor's recommended motion. If that is your policy, please do so.

As you probably recognized, the style used for the motion under Article 23 was chosen to emphasize that the motion is exactly the same as what was suggested in the text of the warrant article. No last-minute surprises!

For the motion under Article 38, there is obviously an amount to be filled in. You know from the restriction in the article scope that the amount cannot exceed \$2.5 million. I think that at the hearing on March 8, the Finance Committee can decide for favorable action and reschedule the article for a time when the amount recommended for appropriation from the tax levy has been determined. Then the amount can be chosen properly. If the Finance Committee decides on March 8 that Natick's appropriating authority should not have the opportunity to use an accepted method to scale back a large increase in the tax levy by using free cash, then the Finance Committee can make a negative recommendation and its work is finished.

Given the situation that Natick may soon have a significant increase in debt payments funded from the tax levy, I am surprised that the Town administration did not include a boiler-plate version of Article 38 to scale downward a large increase in the tax levy by using some free cash.

So, in the event that the Finance Committee is considering favorable action, I can review what the Finance Committee has decided on articles that appropriate funds from the tax levy in order to offer my opinion on this amount to be filled in (but, individual members of the Finance Committee or the Town administration are certainly more knowledgeable than I would be). Obviously, none of this can happen by March 8.

Paul

Paul E. Connolly
508-653-1308
connolly70@verizon.net

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On Mar 1, 2018, at 3:20 PM, Patrick Hayes <phayes.fincom@natickma.org> wrote:

Mr. Connolly,

This email is to confirm that you have been scheduled for a Public Hearing in front of the Finance Committee for March 8 for sometime after 8:00 PM. When you have a moment please acknowledge the confirmation.

With regard to your two motions, I will take them in order.

For Article 23, it is my understanding that you wish your motion to be exactly as you provided it in the prior email dated February 28 which reads in full:

Motion: "Move that the Town amend the Town of Natick By-Laws, Article 3, Section 11 as printed in the text of the warrant article."

For Article 38, your motion as provided reads as follows:

Motion: "Move that the Town transfer the sum of XXXXX from Free Cash to be used by the Board of Assessors to reduce the tax levy for Fiscal Year 2019 (July 1, 2018 through June 30, 2019)."

Note: For both articles, I have added the quotation marks at the beginning and end which is customary for the motion language for Natick's Town Meeting.

Further, you have stated that you need help with determining the number (or amount) for your motion and asked that the Finance Committee provide help to you. Respectfully, that is not our role. Rightly or wrongly, the Chair's position is that the citizen petitioner should be prepared to submit their motion and the substantive and material information of their motion. Town Counsel has provided strong guidance to Finance Committee that we should avoid writing motions or making substantive contributions to the motion in advance of it being formally submitted

to the Finance Committee. With that, I would encourage you to use the available budget information online, or seek further information from Town Administration for your motion.

I would ask that when you have a final number that you resubmit the motion to me in writing with the number provided. We will then be able to understand the specifics of your proposal and may at that time have points of view to offer.

Thank you,

Patrick Hayes

On Wed, Feb 28, 2018 at 3:36 AM, Connolly <connolly70@verizon.net> wrote:
Patrick,

I guess Thursday, March 1 isn't really a go.

The following week I have early appointments on both nights. However, I can be available on Tuesday, March 6 at 9pm and Thursday, March 8 at 8pm. Let me know what will work.

The motions are simple:

Article 23

Motion: Move that the Town amend the Town of Natick By-Laws, Article 3, Section 11 as printed in the text of the warrant article.

Article 38

Motion: Move that the Town transfer the sum of XXXXX from Free Cash to be used by the Board of Assessors to reduce the tax levy for Fiscal Year 2019 (July 1, 2018 through June 30, 2019).

I need help on determining what the amount XXXXX should be. I think the Finance Committee should have some suggestions.

Paul

Paul E. Connolly
[508-653-1308](tel:508-653-1308)
connolly70@verizon.net

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On Feb 26, 2018, at 9:53 PM, Patrick Hayes <phayes.fincom@natickma.org> wrote:

Mr. Connolly,

I would like to schedule you for this Thursday, March 1. Can you be available provided Special Town Meeting concludes in one night?

I would need your actual proposed motions as soon as possible.

Please advise as soon as you can.

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Patrick Hayes
[\(508\)-333-4994 \(m\)](tel:508-333-4994)

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Patrick Hayes
[\(508\)-333-4994 \(m\)](tel:508-333-4994)

Finance Committee Chairman
-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member

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Patrick Hayes
[\(508\)-333-4994 \(m\)](tel:508-333-4994)

Finance Committee Chairman

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member

<Fincom Spring 2018 Hearing Schedule_March 6 to end.pdf>

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Patrick Hayes

[\(508\)-333-4994 \(m\)](#)

Finance Committee Chairman

-Planning Governance Sub-Committee Chair

Financial Planning Committee Member

West Natick Fire Station Building Committee Member

Town Meeting Member

ITEM TITLE: Article 14 - Capital Improvements

ITEM SUMMARY:

ITEM TITLE: Article 2 - Committee Reports

ITEM SUMMARY:

ITEM TITLE: REVISED: Article 7 - Fiscal 2019 Omnibus Budget (including the Affordable Housing Trust budget)

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Omnibus Budget Adjustment Worksheet with FinCom Voted Amounts	3/22/2018	Exhibit
FinCom FY19 Budget Votes as of March 21 '18	3/22/2018	Exhibit
Motion A	3/22/2018	Exhibit
Motion B	3/22/2018	Exhibit
Motion C	3/22/2018	Exhibit
Motion D	3/22/2018	Exhibit
Motion E	3/22/2018	Exhibit
Motion F	3/22/2018	Exhibit
Motion G	3/22/2018	Exhibit
Motion H	3/22/2018	Exhibit
Motion I	3/22/2018	Exhibit

Budget Adjustments - Finance Committee Vote
3/22/2018

Appropriation	Original Budget	Changes	Line Item	New Proposed Budget	FinCom Voted \$	+/-
Natick Public Schools	66,149,117	(1,196,678)	Multiple	64,952,439	\$64,952,439	\$0
Keefe Tech	1,576,200	18,784	Assessment	1,594,984	\$1,594,984	\$0
Police Department						
Salaries	6,797,096	(55,638)	2x Count (Parking & Emergency Mgmt)	6,741,458		
Expenses	267,263	-		267,263		
Other Charges	7,500	-		7,500		
Total	7,071,859	(55,638)		7,016,221	\$7,016,221	\$0
Public Works						
Salaries	3,881,905	(48,680)	Admin. Ast. New Initiative (46,587) Administration PT Operational Salary (2,093)	3,833,225		
Expenses	2,268,705	-		2,268,705		
Municipal Energy	1,517,450	-		1,517,450		
Snow & Ice	550,000	-		550,000		
Total	8,218,060	(48,680)		8,169,380	\$8,215,967	-\$46,587
Community Services						
Salaries	1,378,814	-		1,378,814		
Expenses	522,664	(8,600)	Teen Center Supplies	514,064		
Total	1,901,478	(8,600)		1,892,878	\$1,901,478	-\$8,600
Board of Health						
Salaries	563,823	-		563,823		
Expenses	37,850	-		37,850		
Other Charges	29,150	20,000	Opiate Prevention Outreach Expenses	49,150		
Total	630,823	20,000		650,823	\$630,823	\$20,000
Affordable Housing Trust	-	50,000	Affordable Housing Trust Funding	50,000	\$0	
Fringe Benefits						
Other Personnel	12,471,644	(64,857)	Reduction in Health Insurance Costs	12,406,787		
Retiree Fringe	3,587,312	(317,513)	Reduction in Health Insurance Costs	3,269,799		
Merit & Performance	150,000	-		150,000		
Total	16,208,956	(382,370)		15,826,586	Not Yet Voted	
Debt Service						
Leased Equipment	147,203	-		147,203		
Leased Land	6,400	-		6,400		
Principal	9,222,071	(670,000)	Deferral of 22 Pleasant St. (\$348k), S. Main	8,552,071		
Interest	4,111,097	(431,750)	St. Roadway (\$335k), Parking Garage	3,679,347		
Total	13,486,771	(1,101,750)		12,385,021	\$12,486,771	-\$101,750
Facilities Management						
Salaries	2,732,672	(47,267)	Custodian Floater & Intern	2,685,405		
Expenses	623,300	-		623,300		
Total	3,355,972	(47,267)		3,308,705	\$3,355,972	-\$47,267
Capital Stabilization	1,500,000	(1,000,000)	Deferred to Fall Town Meeting	500,000	\$500,000	\$0
One-to-One Tech. Stab.	-	100,000	Shift of NPS laptops from Operating to 1:1	100,000	\$100,000	\$0
					Total Adjustments	-\$184,204

Group	Department	Vote Date	Recommendation	Quantum of Vote	Appropriation Amount	Funding Source	Moved	Seconded	Notes
Education/Learning	Natick Public Schools	3/20/18	Favorable Action	10-0-0	\$64,952,439	Tax Levy	Collins	Coburn	
	Keefe Tech	3/15/18	Favorable Action	12-0-0	\$1,594,984	Tax Levy	Collins	Sullivan	
	Morse Institute Library	1/16/18	Favorable Action	10-0-0	\$2,244,799	Tax Levy	Evans	Van Amsterdam	
	Bacon Free Library	1/16/18	Favorable Action	10-0-0	\$184,503	Tax Levy	Evans	Van Amsterdam	
Public Safety	Police	1/23/18	Favorable Action	13-0-0	\$7,016,221	Tax Levy	Coburn	Sullivan	
	Parking Enforcement	1/23/18	Favorable Action	13-0-0	\$137,572	Tax Levy	Linehan	Van Amsterdam	
	Emergency Management	1/23/18	Favorable Action	13-0-0	\$39,100	Tax Levy	Linehan	Van Amsterdam	
	Fire	1/23/18	Favorable Action	13-0-0	\$8,716,273	Tax Levy	Evans	Linehan	
Public Works	Public Works (Consolidated)	1/25/18	Favorable Action	11-0-0	\$8,215,967	Tax Levy	Wollschlager	Van Amsterdam	
Health & Community	Community Services (Consolidated)	1/18/18	Favorable Action	8-0-1	\$1,901,478	Tax Levy	Evans	Sullivan	
	Board of Health	1/11/18	Favorable Action	9-0-0	\$630,823	Tax Levy	Linehan	Evans	
Administrative Support	Board of Selectmen	1/16/18	Favorable Action	11-0-0	\$2,776,747	Tax Levy	Linehan	Van Amsterdam	
	Personnel Board	1/9/18	Favorable Action	10-0-0	\$1,000	Tax Levy	Wollschlager	Van Amsterdam	
	Town Report	1/9/18	Favorable Action	10-0-0	\$4,100	Tax Levy	Linehan	Van Amsterdam	
	Legal	1/16/18	Favorable Action	11-0-0	\$342,100	Tax Levy	Linehan	Van Amsterdam	
	Finance (Consolidated)	1/18/18	Favorable Action	9-0-0	\$1,560,291	Tax Levy	Evans	Linehan	
	Information Services	1/11/18	Favorable Action	9-0-0	\$1,320,899	Tax Levy	Linehan	Sullivan	
	Town Clerk/Board of Registra	1/11/18	Favorable Action	9-0-0	\$311,572	Tax Levy	Evans	Sullivan	
	Elections	1/11/18	Favorable Action	9-0-0	\$115,190	Tax Levy	Linehan	Coffey	
	Community & Economic Development	1/23/18	Favorable Action	13-0-0	\$924,355	Tax Levy	Evans	Sullivan	
	Sealer of Weights & Measures	1/9/18	Favorable Action	10-0-0	\$31,290	Tax Levy	Sullivan	Van Amsterdam	
Committees/Commission	Finance Committee	1/9/18	Favorable Action	10-0-0	\$37,800	Tax Levy	Linehan	Coffey	
	Commision on Disability	1/9/18	Favorable Action	10-0-0	\$750	Tax Levy	Coburn	Van Amsterdam	
	Cultural Council	1/9/18	Favorable Action	10-0-0	\$700	Tax Levy	Coburn	Van Amsterdam	
	Historical Commission	1/9/18	Favorable Action	10-0-0	\$750	Tax Levy	Sullivan	Van Amsterdam	
	Historic District Commission	1/9/18	Favorable Action	10-0-0	\$550	Tax Levy	McCauley	Van Amsterdam	
	Reserve Fund	1/9/18	Favorable Action	10-0-0	\$250,000	Tax Levy	Coburn	Coffey	
	Affordable Housing Trust	3/22/18			\$50,000	Free Cash			
Shared Expenses	Employee Fringe & Insurance	3/22/18				Tax Levy			
	Contributory Retirement	1/11/18	Favorable Action	9-0-0	\$9,383,293	Tax Levy	Evans	Sullivan	
	Non-Contributory Retirement	1/11/18	Favorable Action	9-0-0	\$23,122	Tax Levy	Evans	Linehan	
	Property & Liability Insurance	1/11/18	Favorable Action	9-0-0	\$756,237	Tax Levy	Evans	Linehan	
	Debt Service	1/25/08	Favorable Action	11-0-0	\$13,486,771	Tax Levy	Evans	Van Amsterdam	
	Facilities Management	2/1/18	Favorable Action	9-0-0	\$3,355,972	Tax Levy	Evans	Sullivan	
Water & Sewer Enterprise Fu	Water & Sewer Ent. Fund (Consolidated)	1/25/18	Favorable Action	11-0-0	\$14,248,238	Tax Levy	Wollschlager	Collins	
	Indirects	1/25/18	Affirmed	11-0-0			Evans	Van Amsterdam	
Sassamon Trace Ent. Fund	Sassamon Trace Golf Enterprise Fund	1/18/18	Favorable Action	9-0-0	\$958,219	Tax Levy	Evans	Sullivan	
	Indirects	1/18/18	Affirmed	9-0-0			Evans	Linehan	
Total Appropriation					\$145,574,105				



Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Article 7, Section A: Education & Learning

Motions for Section A under Article 7:

Motion A1: Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the

Natick Public Schools

Salaries & Expenses

Salaries & Expenses	\$ 64,952,439
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Total Natick Public Schools	\$ 64,952,439
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$ 64,952,439
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Motion A2: Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the

South Middlesex Regional Vocational Technical School (Joseph P. Keefe Technical School)

Expenses (Assessment)	\$ 1,594,984
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Total South Middlesex Regional Vocational Technical School (Joseph P. Keefe Technical School)	\$ 1,594,984
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Motion Total	\$ 66,547,423
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$ 1,594,984
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	\$ 1,594,984
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Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section B under Article 7:

Motion B1: Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the Emergency Management

Expenses	\$	39,100
Total Emergency Management	\$	39,100

Parking Enforcement

Salaries	\$	50,638
Expenses	\$	86,934
Total Parking Enforcement	\$	137,572

Police

Salaries	\$	6,741,458
Expenses	\$	267,263
Other Chgs. & Expenses	\$	7,500
Total Police	\$	7,016,221

And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	7,112,893
Parking Meter Revenues	\$	80,000
	\$	7,192,893

Motion B2: Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the

Fire

Salaries	\$	8,467,273
Expenses	\$	249,000
Total Fire	\$	8,716,273

Motion Total	\$	15,909,166
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	8,716,273
	\$	8,716,273



Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section C: Public Works

Motion for Section C under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Department of Public Works

Salaries	\$	3,833,225
Expenses	\$	2,268,705
Municipal Energy	\$	1,517,450
Snow & Ice	\$	550,000

Total Department of Public Works	\$	8,169,380
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DPW Administration

Salaries	\$	324,689
Expenses	\$	59,195

Total DPW Administration	\$	383,884
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DPW Building Maintenance

Salaries	\$	-
Expenses	\$	-

Total DPW Build. Maint.	\$	-
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DPW Energy

Purchase of Services	\$	1,515,450
Other Charges	\$	2,000

Total DPW Energy	\$	1,517,450
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DPW Engineering

Salaries	\$	548,626
Expenses	\$	59,700

Total DPW Engineering	\$	608,326
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DPW Equipment Maintenance

Salaries	\$	584,625
Expenses	\$	400,650
Other - Capital Outlay	\$	5,000

Total DPW Equip. Maint.	\$	990,275
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DPW Highway & Sanitation

Salaries	\$	1,756,840
Expenses	\$	607,650
Other - Charges & Expenditures	\$	1,260,100

Total DPW Highway & San.	\$	3,624,590
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DPW Land, Facilities & Nat. Resources

Salaries	\$	618,445
Expenses	\$	426,410

Total DPW LF & NR	\$	1,044,855
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Motion Total

\$	8,169,380
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	8,169,380
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\$	8,169,380
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Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section D: Health and Community Services

Motion for Section D under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Community Services

Salaries	\$	1,378,814
Expenses	\$	514,064

Total Community Services	\$	1,892,878
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Board of Health

Salaries	\$	563,823
Expenses	\$	37,850
Other Changes & Expenditures	\$	49,150

Total Board of Health	\$	650,823
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Motion Total	\$	2,543,701
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	2,543,701
	\$	2,543,701



Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section E: Administrative Support Services

Motion for Section E under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Board of Selectmen

Salaries	\$	1,006,197
Expenses	\$	279,550
Other Charges & Expenditures	\$	93,000
Contract Settlements	\$	1,383,000
Recruitment	\$	15,000

Total Board of Selectmen	\$	2,776,747
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Personnel Board

Other Charges & Expenditures	\$	1,000
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Total Personnel Board	\$	1,000
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Town Report

Professional Services	\$	4,100
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Total Town Report	\$	4,100
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Legal

Expenses	\$	334,600
Other Charges & Expenditures	\$	7,500

Total Legal Services	\$	342,100
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Finance

Salaries	\$	1,126,811
Expenses	\$	358,480
Other Charges & Expenditures	\$	75,000

Total Finance	\$	1,560,291
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Motion continued on next Page --->

Motions for Section E: Administrative Support Services

Information Technology		
Salaries	\$	347,899
Expenses	\$	619,000
Other Chgs. & Expenditures	\$	354,000
Total Information Technology	\$	1,320,899
Town Clerk		
Salaries	\$	262,222
Expenses	\$	49,350
Total Town Clerk	\$	311,572
Elections		
Salaries (Registrars)	\$	62,840
Expenses (Registrars)	\$	52,350
Total Elections	\$	115,190
Sealer of Weights & Measures		
Salaries	\$	30,400
Expenses	\$	890
Total Sealer Weights/ Meas.	\$	31,290
Community Development		
Salaries	\$	860,005
Expenses	\$	64,350
Total Community Development	\$	924,355
Motion Total		
	\$	7,387,544
And that the above <u>Total Budget Amount</u> be raised from the following sources:		
Tax Levy of Fiscal Year 2019	\$	7,387,544
	\$	7,387,544



Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section F: Committees and Commissions

Motion for Section F under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Finance Committee

Expenses	\$	37,800
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Total Finance Committee	\$	37,800
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Commission on Disability

Expenses	\$	750
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Total Commission on Disability	\$	750
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Natick Cultural Council

Expenses	\$	700
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Total Natick Cultural Council	\$	700
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Historical Commission

Expenses	\$	750
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Total Historical Commission	\$	750
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Historic District Commission

Expenses	\$	550
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Total Historic District Commission	\$	550
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Affordable Housing Trust

Expenses	\$	50,000
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Total Affordable Housing Trust	\$	50,000
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Motion Total	\$	90,550
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	40,550
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Free Cash		50,000
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\$	90,550
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Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Article 7, Section G: Shared Expenses (Unclassified)

Motion for Section G under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of funding the accounts and

INSURANCES & BENEFITS

Employee Fringe

Other Personnel Services	\$	15,676,586
Other Personnel Services - Merit / Performance	\$	150,000

Total Employee Fringe	\$	15,826,586
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Property & Liability Insurance

Purchased Services	\$	756,237
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Total Prop. & Liab. Insurance	\$	756,237
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RETIREMENT

Contributory Retirement

Pension Assessment	\$	9,393,294
ERI Assessment	\$	-

Total Contributory Retirement	\$	9,393,294
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Non-Contributory Retirement

Pensions	\$	23,122
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Total Non-Contributory Retirement	\$	23,122
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DEBT SERVICE

Debt Service

Leased Equipment	\$	147,203
Leased Land	\$	6,400
Principal	\$	8,552,071
Interest	\$	3,679,347

Total Debt Service	\$	12,385,021
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RESERVE FUND - FINANCE COMMITTEE

Reserve Fund

Other Charges	\$	250,000
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Total Reserve Fund	\$	250,000
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FACILITIES MANAGEMENT

Facilities Management

Salaries	\$	2,685,405
Expenses	\$	623,300

Total Facilities Management	\$	3,308,705
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Motion Total	\$	41,942,965
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	2,536,047
State Aid	\$	12,605,030
Local Receipts	\$	16,199,234
Free Cash	\$	4,150,000
Overlay Surplus	\$	1,000,000
Title V Septic	\$	7,684
Water-Sewer User Fees	\$	2,218,150
Golf User Fees	\$	43,871
Capital Stabilization Fund	\$	2,962,240
Premiums	\$	97,542
School Building Assistance	\$	123,167

\$	41,942,965
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Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section H: Water/Sewer Enterprise

Motion 1 for Water/Sewer Enterprise Fund - Section H under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Water & Sanitary Sewer Operations

Salaries	\$	2,048,018
Expenses	\$	7,899,579
Other - Chgs. & Expenditures	\$	4,788,550

Total Sanitary Sewer	\$	9,947,597
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Utility Billing

Salaries	\$	115,755
Expenses	\$	89,000

Total Utility Billing	\$	204,755
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Fringe Benefits

Other Personal Services	\$	547,384
Other - Chgs. & Expenditures	\$	315,114

Total Benefits	\$	862,498
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Water & Sewer Debt Service

Principal	\$	2,335,173
Interest	\$	698,215

New Debt Service	\$	-
Total Debt Service	\$	3,033,388

Water & Sewer Reserve Fund

Expenses	\$	200,000
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Total W & S Reserve Fund	\$	200,000
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Motion Total	\$	14,248,238
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2010	\$	-
Free Cash	\$	-
Stabilization	\$	-
Overlay Surplus	\$	-
Title V Septic		
Water-Sewer User Fees	\$	14,248,238

\$	14,248,238
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Motions for Section H: Water/Sewer Enterprise

Water/Sewer Indirect Cost Allocations - Motion 2 under Section H Article 7:

Move that the Town vote to APPROVE the following indirect cost allocations raised in the General Fund:

COMPLETE ALLOCATIONS	TOTAL
WATER SERVICE	\$ 2,508,783
SEWER SERVICE	1,088,814
MWRA SERVICE	6,350,000
UTILITY BILLING COLLECTOR	204,755
RETIREMENT COSTS	389,546
HEALTH, MEDICARE, LIFE, INS.	472,952
DEBT	3,033,388
RESERVE	200,000

SUBTOTAL - DIRECT	10,793,178
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PERCENTAGE ALLOCATIONS	TOTAL
DPW Administration	\$ 128,906
Engineering Services	295,884
Equipment Maintenance	377,607
Highway Sanitation Recycling	274,906
Facility Maintenance	63,986
Public Safety	115,953
Finance - Administration	72,688
Finance - Assessing	8,926
Finance - Collector/Treasurer	87,062
Finance - Comptroller	65,884
Town Administrator	134,324
Community Development	89,435
Information Technology	115,857
Procurement	30,440
Human Resources	51,037
Legal Services	55,764
Property & Liability Insurance	273,899
Utilities	52,002
Vehicle Fuel	100,562
Sub Total - General Fund	\$ 2,395,124

Water Sewer Staff Performing General Fund Functions

	Total
GIS Services	(39,874)
W/S Admin. Asst. - DPW	(38,528)
W/S Admin. Asst. - Collector	(64,941)
Snow and Ice Removal	(33,631)
Subtotal - Water Sewer	(176,974)

SUBTOTAL - GENERAL FUND	\$ 2,218,150
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TOTAL OPERATING COSTS	13,011,328
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And that the Sum of \$2,218,150 appropriated in the General Fund be raised from the following source:

Water-Sewer User Fees	\$ 2,218,150
(See Motion for Section G, Article 7: Shared Expenses (Unclassified))	\$ 2,218,150



Town of Natick

2018 Spring Annual Town Meeting - FY 2019 Recommended Budget

Finance Committee Recommendations

Motions for Section I: Sassamon Trace Enterprise Fund

Motion 1 for Sassamon Trace Enterprise Fund - Section I under Article 7:

Move that the Town vote to appropriate the Total Budget Amount shown below for the purpose of operating the departments

Sassamon Trace Operations

Salaries	\$	300,236
Expenses	\$	345,419

Total GC Operations	\$	645,655
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Sassamon Trace Fringe Benefits

Other Personal Services	\$	55,866
Other - Chgs. & Expenditures	\$	11,812

Total GC Fringe Benefits	\$	67,678
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Sassamon Trace Debt Service

Principal	\$	212,230
Interest	\$	32,656

Total GC Debt Service	\$	244,886
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Motion Total	\$	958,219
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And that the above Total Budget Amount be raised from the following sources:

Tax Levy of Fiscal Year 2019	\$	270,000
Golf User Fees	\$	688,219
Golf Retained Earnings	\$	-

\$	958,219
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Motions for Section I: Sassamon Trace Enterprise Fund

Motion 2 for Sassamon Trace Enterprise Fund - Section I under Article 7:

Move that the Town vote to APPROVE the following indirect cost allocations raised in the General Fund:

PERCENTAGE ALLOCATIONS	TOTAL	
DPW ADMINISTRATION		
Community Services -Recreation and Parks		
DPW LFNR		
Equipment Maintenance		
Highway Sanitation Recycling		
Finance		
Town Administrator		
Procurement	\$	121
Human Resources	\$	121
Property & Liability Insurance		
Vehicle Fuel		
LF & NR	\$	9,227
EQUIP. MAINTENANCE	\$	5,065
RECREATION	\$	8,209
TOWN ADMINISTRATOR	\$	6,636
FINANCE	\$	7,835
PROPERTY INSURANCE	\$	3,902
GASOLINE/DIESEL	\$	2,755
SUBTOTAL - GENERAL FUND		43,871
And that the Sum of \$43,871 appropriated in the General Fund be raised from the following source:		
Golf User Fees	\$	43,871
(See Motion for Section G, Article 7: Shared Expenses (Unclassified))	\$	43,871

ITEM TITLE: Article 6 - Fiscal 2018 Omnibus Budget - Adjustments

ITEM SUMMARY:

ITEM TITLE: Article 24 - Acquisition of Mechanic Street

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 24 Request for No Action	3/22/2018	Exhibit



Patrick Hayes <phayes.fincom@natickma.org>

Mechanic St

1 message

Bill Chenard, <chenard@natickma.org>

Thu, Mar 22, 2018 at 3:54 PM

To: Patrick Hayes <phayes.fincom@natickma.org>

Patrick,

I checked with the appraiser. He is expecting the appraisal to be complete 4/4. Given that let's go with no action pending the appraisal with the understanding that we will likely ask for reconsideration after the appraisal is received.

Bill

William D. Chenard
Acting Town Administrator
[508-647-6404](tel:508-647-6404)

ITEM TITLE: Article 29 - Amend Natick Zoning By-Laws: Inclusionary Affordable Housing Requirement

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
IZ By Law Amendment Motions	3/14/2018	Exhibit
DRAFT Inclusionary Affordable Housing By-Law	3/13/2018	Exhibit
Questionnaire & Responses	3/14/2018	Exhibit
Inclusionary By-Law redlined	3/14/2018	Exhibit
Massachusetts Inclusionary By-Law for Reference	3/14/2018	Exhibit

Motion A:

MOVE to see if the Town will vote to amend **Section 200 - DEFINITIONS** of the Natick Zoning Bylaws replacing the existing definition of ‘Affordable Housing Units’ with the following:

“Affordable **Dwelling Units**: Dwelling units which meet all the requirements of Affordable Housing. Affordable rental units shall be priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of Median Income.”

and by inserting new definitions for ‘Buildable Land’, ‘Eligible Household’, ‘Fee-in-lieu-of Units’, ‘Initial Rent of an Affordable Dwelling Unit’, ‘Initial Sales Price of an Affordable Dwelling Unit’, ‘Median Income’, ‘Phased or Segmented Housing Development’, ‘Residential Project’, ‘Residential Project (2-5 units)’, ‘Residential Project (6 or more units)’ and ‘Total Development Cost’ as follows:

“**Buildable Land**: A parcel or parcels of property for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw. “

“**Eligible Household**: For affordable rental units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. For affordable ownership units, a household whose total income does not exceed 70% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. “

“**Fee-in-lieu-of units**: The fee paid to the Natick Affordable Housing Trust in-lieu of the construction or provision of affordable units in Residential Projects with two (2) to five (5) dwelling units, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project. “

“**Initial Rent of an Affordable Dwelling Unit**: The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of seventy percent (80%) of monthly Median Income. “

“ **Initial Sales Price of an Affordable Dwelling Unit**: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment

(which shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income. “

“ **Median Income:** The income set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size, or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development. “

“**Phased or Segmented Housing Development:** A Residential Project containing dwellings on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Housing Project. “

“**Residential Project:** Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick’s Inclusionary Zoning Bylaw. “

“**Residential Project (2-5 units):** Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with two (2), three (3), four (4) or five (5) dwelling units. “

“**Residential Project (6 or more units):** Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with six (6) or more dwelling units. “

“**Total Development Cost:** The sum of all costs for site acquisition, relocation, design, engineering, environmental testing and remediation, demolition, construction and equipment, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this bylaw. ”

Motion B:

Replace, eliminate, or modify the following sections within the Natick Zoning Bylaw that relate to minimum affordable housing requirements, affordability requirements, affordable housing provisions, and/or other affordable provisions/requirements (either local or related to 760 CMR 56) through the following:

MOVE to see if the Town will vote to amend the definition of ‘Residential Use 4.*’ in Section III-A.2 – USE REGULATIONS SCHEDULE of the Natick Zoning By-Laws, by replacing the words “provided that at least 10% of the total number of dwelling units, or such greater percentage as may be specified elsewhere in this By-Law are Affordable Dwelling Units.” with “subject to and compliant with the provisions of Section V-J.”, and the word “Housing Units” with “Dwelling Units, compliant with the provisions of Section V-J.”, so that the pertinent portion of Section III-A.2 – USE REGULATIONS SCHEDULE now reads:

RESIDENTIAL USE	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
4. * Multiple family building types for not less than three (3) dwelling units in any one building, such as: apartment houses and/or town houses, subject to and compliant with the provisions of Section V-J.	O	P	O**	P+	A	O	(*)	O	O	O	O

MOVE to see if the Town will vote to amend the Natick Zoning By-Laws, as follows:

In Section III-A.6.A.3 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP), by:

- replacing the words “Affordable Housing Units” in the first paragraph with the words “Affordable Dwelling Units”,
- inserting, after the word “alternatives,” in the first paragraph, the words “consistent with the provisions of Section V-J of this bylaw and”
- replacing the figure “10%” in the table with “15%, consistent with the provisions of Section V-J”,
- replacing the words “Income Eligible Households” in the table with the words “Eligible Households, consistent with the provisions of Section V-J”,
- replacing the words “be used for Affordable Housing” in the table with the words “the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J”,
- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph b) with the words “Eligible Households”,
- replacing the words “Affordable Housing Units” following “development as” in the seventh paragraph with the words “Affordable Dwelling Units, consistent with the provisions of Section V-J” and
- replacing the words “Income Eligible Households as defined in 760 CMR 56” in paragraph c) with the words “Eligible Households”

so that Section III-A.6. A.3 now reads:

“3- Provided that additional units are granted by the Planning Board under the foregoing provision then Affordable Dwelling Units shall be provided in any one of the following alternatives, subject to approval of the Planning Board:

- A) By Donation to the Natick Housing Authority.....A minimum of 15%, consistent with the provisions of Section V-J **
- B) B) By Sale to the Natick Housing AuthorityA minimum of 15%, consistent with the provisions of Section V-J **
- C) By sale directly to Eligible HouseholdsA minimum of 15%, consistent with the provisions of Section V-J **
- D) By cash payment to the Natick Affordable Housing Trust for Affordable Housing, consistent with the provisions of Section V-J ***

*Notes: * = % of total units in development, rounded up to the next whole number*

*** = Amount is determined by professional valuation methods as the equivalent value to the units which otherwise would have been provided within the development as Affordable Dwelling Units, consistent with the provisions of Section V-J.*

a) Units to be donated to the Natick Housing Authority are subject to the approval of the Natick Housing Authority, and of the applicable federal or state funding agency.

b) Units set aside for sale to the Natick Housing Authority shall be offered at prices which do not exceed the greater of: (i) the construction costs of the particular units, or (ii) the current acquisition cost limits for the particular units under applicable state or federal financing programs. If the Natick Housing Authority is unable to purchase the set-aside units at the time of completion, the units shall be offered for sale to Eligible Households.

c) Units set aside for sale directly to Eligible Households shall be offered only to those households which qualify or meet the definition of Eligible Household.”;

and in Section III-A.6. A.4 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by adding after the words “moderate income households” in the second sentence the words “, consistent with the provisions of Section V-J of this bylaw.”, and removing the third, fourth and fifth sentences, so that Section III-A.6. A.4 now reads:

“4- Each affordable unit created in accordance with this section shall have limitations governing its resale. Such limitations shall have as their purpose to preserve the long-term affordability of the unit and to ensure its continued availability to low or moderate income households, consistent with the provisions of Section V-J of this bylaw. Such restrictions may also provide that the Natick Housing Authority shall have a prior right of purchase at the price determined according to the restriction for a period of thirty (30) days after the unit is placed on sale. Notice of any proposed sale shall be given to the Planning Board and to the Natick Housing Authority.”;

and in Section III-A.6. A.5 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) of the Natick Zoning By-Laws by replacing in the first sentence the words “for a period of six (6) months from the date of first offering for sale, be offered on a 50%-50% basis,” with the words “, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw.”, and removing the second, third and fourth sentences of this section, so that Section III-A.6. A.5 now reads:

“5- Affordable Units to be offered for sale under the IHOP provisions shall be offered to residents of the Town of Natick and to persons employed within the Town of Natick, consistent with the provisions of Section V-J, and particularly V-J.5.E, of this bylaw.”;

and in Section III-A.6. A.6 – INCLUSIONARY HOUSING OPTION PROGRAM (IHOP) by replacing the words “Affordable Housing Units” in each instance where the term appears in the section with the words “Affordable Dwelling Units”, and replacing the term “Affordable Housing” with “Affordable Dwelling Units” so that Section III-A.6. A.6 now reads:

“6- In addition to any requirements under Site Plan Review, the Special Permit, or Subdivision approval, an applicant must submit a development plan acceptable to the Planning Board plan indicating how the parcel could be developed under the underlying zoning (i.e. a baseline plan). Any bonus granted shall be calculated from the baseline plan. The development plan showing the bonus units shall also indicate the proposed Affordable Dwelling Units, which must be dispersed throughout the parcel to ensure a mix of market-rate and Affordable Dwelling Units. Affordable Dwelling Units shall have an exterior appearance that is compatible with, and to the extent that is possible, indistinguishable from the market rate units in the development. Affordable Housing Units shall contain at least two (2) bedrooms and shall be suitable as to design for family occupancy. The owners of Affordable Dwelling Units shall have all of the rights and privileges accorded to market rate owners regarding any amenities within the development.”;

and in Section III-A.6. B.1 –HOUSING OVERLAY OPTION PROGRAM (HOOP) – PURPOSE by replacing the words “Income Eligible Households as defined in 760 CMR 56” in each instance where the term appears in the section with the words “Eligible Households”, and inserting after the words “in a manner consistent with” in the first sentence the words “both the provisions of Section V-J and” so that Section III-A.6. A.6 now reads:

“1. PURPOSE

The purpose of this Housing Overlay Option Plan is to create overlay districts in selected areas of the Town in order to enhance the public welfare by increasing the production of dwelling units affordable to Eligible Households in a manner consistent with both the provisions of Section V-J and the character of the downtown area. In order to encourage utilization of the Town’s remaining developable land in a manner consistent with local housing policies and needs, new housing developments in the HOOP Districts are required to contain a proportion of dwelling units affordable to Eligible Households.”;

and in Section III-A.6. B.8 –HOUSING OVERLAY OPTION PROGRAM (HOOP) – AFFORDABILITY by replacing the words “The Planning Board shall adopt rules and regulations regarding” in the second sentence with the words “The provisions of Section V-J of this bylaw shall govern” and by replacing the words “Affordable Housing Units” in each instance they occur with the words “Affordable Dwelling Units”, by adding after the

words “employees of the Town of Natick” the words “consistent with the provisions of Section V-J” and by replacing the words “permitted under the Massachusetts General Laws and as approved by the SPGA” with the words “, consistent with the provisions of Section V-J”, so that Section III-A.6. A.6 now reads:

“8. AFFORDABILITY

a) Affordability shall be determined in accordance with the definition of Affordable Housing found in Section 200. The provisions of Section V-J of this bylaw shall govern the sale or rental of all Affordable Dwelling Units. Unless otherwise regulated by a Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the Affordable Dwelling Units shall be initially offered to residents and/or employees of the Town of Natick consistent with the provisions of Section V-J. Residency and employment in Natick shall be established through Town Clerk certification.

b) All Affordable Dwelling Units shall be maintained as such in perpetuity, by the use of appropriate restrictions in deeds, lease provisions or other mechanisms, consistent with the provisions of Section V-J.”;

and, in Section III-D.1.d USE REGULATIONS FOR LC DISTRICTS, PERMITTED USES, by replacing the words “provided however that at least ten percent (10%) of the total number of units are Affordable Housing Units;” with the words “subject to and consistent with the provisions of Section V-J of this by-law.”, so that subsection III-D.1.d now reads:

“d. Multi-family building types for not less than three (3) dwelling units but not more than six (6) dwelling units building, such as: apartment houses and/or town houses, with no more than six (6) dwelling units per acre; subject to and consistent with the provisions of Section V-J of this by-law.”;

and, in Section III.E.2.b.1 DOWNTOWN MIXED USE DISTRICT, USES ALLOWED BY SPECIAL PERMIT ONLY, by replacing the phrase “ii) for projects with 3 to 6 total units at least 10% of the units are Affordable Housing Units; for projects that are 7 to 20 total units, at least 15% of the units are Affordable Housing Units; and, for projects that are 21 or more total units, at least 20% of the units are Affordable Housing Units;” with the phrase “ ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and”, so that Section III.E.2.b.1 now reads:

“1. Multi-family dwellings, provided that:

- i) the Special Permit Granting Authority specifically determines that adequate provision has been made for off-street parking;*
- ii) all provisions of Section V-J are met to the satisfaction of the Special Permit Granting Authority; and*
- iii) the total number of multi-family units shall not exceed the number computed by taking the:*
 - a. Gross Land Area of the parcel times the Maximum Percentage Building Coverage*
 - b. multiplied by the number of floors in the building*
 - c. multiplied by the portion of the Gross Floor Area attributable to residential uses in the building*
 - d. divided by the Gross Floor Area in the building, and*
 - e. divided by 2,500*

And, in Section “III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS” replace in its entirety the paragraph entitled “AFFORDABILITY” before the Subsection Title “III-1.F TOWN HOUSE CLUSTER DEVELOPMENT”, with the words “AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall comply with the provisions of Section V-J.”, so that subsection III-F now reads:

“III-F CLUSTER DEVELOPMENT ALLOWED IN CERTAIN DISTRICTS

AFFORDABILITY - Notwithstanding anything to the contrary, any Special Permit granted in accordance with this Section shall be subject to and consistent with the provisions of Section V-J of this by-law.”;

and, in Section III-5. F.6 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-NUMBER OF DWELLING UNITS by replacing the words “At least ten percent (10%) of this total number of dwelling units shall be Affordable Housing Units as defined in Section 200 herein.” in the second sentence with the words “, subject to and consistent with the provisions of Section V-J of this by-law.”, so the sentence now reads,

“The maximum number of dwelling units allowed in a CCD shall equal the “Net Usable Land Area” within the parcel divided by 15,000 square feet then rounded to the nearest whole number, subject to and consistent with the provisions of Section V-J of this by-law.”;

and, by replacing Section III-5.F.10 COMPREHENSIVE CLUSTER DEVELOPMENT OPTION-AFFORDABILITY, in its entirety and replacing it with the words

“10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, subject to and consistent with the provisions of Section V-J:

- a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.”, so that III-5.F.10.a now reads:

“10. AFFORDABILITY

It is mandatory that a percentage of dwelling units in a CCD be sold, rented, or leased at prices and rates that are affordable to low- and moderate-income individuals, subject to and consistent with the provisions of Section V-J:

- a. Affordable Housing shall be determined in accordance with the definition of Affordable Housing found in Section 200. All Affordable Dwelling Units that are built shall be subject to and consistent with the provisions of Section V-J.”;*

and, by replacing Section III-I.2.6 INDEPENDENT SENIOR LIVING OVERLAY OPTION PLAN - AFFORDABILITY REQUIREMENTS, in its entirety with the phrase

“AFFORDABILITY REQUIREMENTS: The Applicant shall make provision for affordable housing by complying with all the requirements of Section V-J.”, so that the Section now reads:

“2.6 AFFORDABILITY REQUIREMENTS: The Applicant shall make provisions for affordable housing by complying with all the requirements of Section V-J.”

and, in the first sentence of Section III-I.8 ASSISTED LIVING RESIDENCES - AFFORDABILITY REQUIREMENTS, by replacing the phrase “the Applicant shall make a one-time payment to the Affordable Housing Trust Fund of Natick in an amount equal to a formula of \$75 multiplied by the total number of square feet of area in living units in the ALR. This payment shall be required notwithstanding the fact that the Town may have reached an exemption level of production of affordable units in any year.” with the phrase “the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”, so that the Section now reads:

“8. Affordability Requirements: Unless a determination has been made satisfactory to the SPGA that the living units of the ALR do not affect the Town’s Statutory Minima or the Town’s Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 and as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), the Applicant shall be subject to and comply with all provisions of Section V-J of this by-law.”

and, in Section III-J.3 – Historic Preservation-Permitted Uses, by inserting the phrase “, subject to and consistent the provisions of Section V-J:” after “the following additional uses” so that the subsection now reads:

“3. Permitted Uses. Any use permitted as a matter of right or under a special permit in the District as set forth in the Table of Use Regulations may be undertaken on a parcel to which this Section III-J is to be applied; however, the SPGA may grant a special permit to allow the following additional uses, subject to and consistent the provisions of Section V-J:

- 1. Town Houses;*
- 2. Apartment House;*
- 3. Home Occupation/Customary Home Occupation*

And, in Section 323.3 HIGHWAY OVERLAY DISTRICTS - Certain Multifamily Residential Uses, by inserting after the phrase “* Affordability Requirements” in the third paragraph the words " All development in a Highway Overlay District, shall be subject to and consistent with the provisions of Section V-J," so that subsection 323.3 Certain Multi-family Residential Uses now reads:

“In the RC district, hotels, motels, assisted living facilities, Elderly Family Residences* may be allowed by Special Permit granted by the Planning Board, subject to all requirements of the underlying district(s), and modified by the dimensional and other intensity regulations of Sections 324 and 326. Combinations of such residential and non-residential uses may also be allowed in the RC district, subject to the requirements of each individual use as set forth elsewhere in this Bylaw.*

The provisions of Section 323.1.9, and not this section, shall be applicable to a mixed-use development, including the residential component, in a Regional Center Mixed-Use Development.

** Affordability Requirements: All development in a Highway Overlay District, shall be subject to and consistent with the provisions of Section V-J, unless a determination has been made satisfactory to the SPGA that living units of the assisted*

living facilities, Assisted Living Residences and Elderly Family Residence do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD)."

And, in Section 323.3 HIGHWAY OVERLAY DISTRICTS - Certain Multifamily Residential Uses, by inserting after the phrase "* Affordability Requirements" in the third paragraph the words " All development in a Highway Overlay District, shall be subject to and consistent with the provisions of Section V-J,";

MOVE to see if the Town will vote to amend the Natick Zoning Bylaws by inserting a new section entitled "Section V-J. Inclusionary Affordable Housing Requirements" after "Section V-I. Outdoor Lighting", so that Section V now reads:

"SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

V-J.1 Purpose and Intent:

The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and 760 CMR 56 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth's Department of Housing and Community Development (DHCD). Definitions for Affordable Dwelling Unit and Eligible Household can be found in the Definitions Section.

V-J.2 Applicability of Mandatory Provision of Affordable Units

- A. In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-24 and 760 CMR 56:
 - 1. Any Residential Project, including Phased or Segmented Housing Developments, that results in a net increase of two (2) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
 - 2. Any Residential Project involving subdivision of land for development of two (2) or more dwelling units; and
 - 3. Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and

accompanying services, unless a determination has been made satisfactory to the SPGA that living units of the life care facility do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).

V-J.3 Special Permit:

The development of any Residential Project set forth in Section V-J.2 (above) shall require the grant of a Special Permit from the designated Special Permit Granting Authority (SPGA) for the zoning district in which the Residential Project is located. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special permit shall be as defined in Section VI of the Town's zoning bylaw.

V-J.4 Mandatory Provision of Affordable Units:

- A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements:
 1. At least fifteen (15) percent of the units in a Residential Project on a division of land or multiple unit development subject to this bylaw, rounded up to the nearest whole number, shall be established as affordable housing units in any one or combination of methods provided for below:
 - a) constructed or rehabilitated on the locus subject to the Special Permit (see Section V-J.5) in Residential Projects with six (6) or more net new dwelling units; or
 - b) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section V-J.6) in Residential Projects with six (6) or more net new dwelling units; or
 - c) an equivalent fee-in-lieu of units may be made (see Section V-J.7); or
 - d) An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.
 2. As a condition of approval for a Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any

combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units developed under a combination of requirements described in Section V-J.4.A.1 (a) - (d) may consist of a mix of housing types, except as provided for below:

- a) In Residential Projects consisting entirely of single-family dwellings, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d) offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.
- b) In Residential Projects, including Phased and Segmented Developments, which result in a net increase of two (2) to five (5) dwelling units, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section V-J.4.A.1 requirements (c) and consistent with G. L. c. 40B sect. 20-24 and 760 CMR 56.

Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type

Residential Project, type:	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
<i>Multi-family dwellings, or mix of single and multi-family dwellings (Projects with 6 or more units)</i> Section V-J4.A.1	<ul style="list-style-type: none"> a) Provision of Affordable unit(s), on site b) Provision of Affordable unit(s), off-site c) Provision of fee-in-lieu of units payment d) Provision of buildable land
<i>Single-family dwellings only (Projects with 6 or more units)</i> Section V-J4.A.2 (a)	<ul style="list-style-type: none"> c) Provision of fee-in-lieu of units payment d) Provision of buildable land
<i>Single or multi-family dwellings (Projects with 2-5 units)</i> Section V-J4.A.2 (b)	<ul style="list-style-type: none"> c) Provision of fee-in-lieu of units payment

3. As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. 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 SPGA and the Inspector of Buildings.

V-J.5 Provisions Applicable to Affordable Housing Units On- and Off-Site:

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall comply with the requirements for Local Initiative Units as specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:
- D. Pricing of Affordable Units. The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall be equal the number of bedrooms in each Affordable Unit plus one (1).
- E. Local Preference. Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered, in the following priority, to:
 1. Persons who currently reside within the Town of Natick;
 2. Persons whose spouse, son, daughter, father, mother, brother, or sister currently reside in the Town of Natick;
 3. Persons who are employed by the Town of Natick or by businesses located within the Town of Natick;

- F. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.
- G. Condominiums. Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.
- H. Legal Review. All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

V-J.6 Provision of Affordable Housing Units Off-Site:

- A. As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5. B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

V-J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units:

- A. Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost calculated as: $0.10 \times \text{Initial Sales Price of an Affordable Dwelling Unit of identical size (in terms of average number of bedrooms)}$, calculated according to the provisions of Section V-J.8, and shall be payable in full prior to issuance of a final occupancy permit. The SPGA may annually adjust the acceptable value of the fee in-lieu-of units according to maximum income levels established by the Commonwealth's Department of Housing and Community Development.
 - 1. The SPGA may reduce the applicable fee-in-lieu-of unit(s) charge by up to fifty percent (50%) for each dwelling in a housing development with initial rents or sale prices that are affordable to households earning 81-120% of Median Income, calculated according to standards of the Department of Housing and Community Development (DHCD), and in compliance with the household size provisions of Section V-J.5.D of this bylaw.

2. Schedule of fees-in-lieu-of-unit(s) payments. Fees-in-lieu-of-unit(s) payments shall be made according to the schedule set forth in Section V-J.5.C, above.

V-J.8 Maximum Incomes and Selling Prices: Initial Sale:

- A. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.
- B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), Local Initiative Program or as revised by the Town.

V-J.9 Preservation of Affordability; Restrictions on Resale:

- A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.3). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.
 1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section V-J.9.A, above.
 2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
 3. The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2 above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

V-J.10 Conflict with Other Bylaws/Ordinances:

The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.

V-J.11 Severability:

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw.

SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

V-J.1 Purpose and Intent: The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and 760 CMR 56 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth's Department of Housing and Community Development (DHCD). Definitions for Affordable Dwelling Unit and Eligible Household can be found in the Definitions Section.

V-J.2 Applicability of Mandatory Provision of Affordable Units

A. In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-24 and 760 CMR 56:

1. Any Residential Project, including Phased or Segmented Housing Developments, that results in a net increase of **two (2) or more dwelling units**, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
2. Any Residential Project involving subdivision of land for development of **two (2) or more dwelling units**; and
3. Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes **two (2) or more assisted living units** and accompanying services, unless a determination has been made satisfactory to the SPGA that living units of the life care facility do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).

V-J.3 Special Permit: The development of any Residential Project set forth in Section V-J.2 (above) shall require the grant of a Special Permit from the designated Special Permit Granting Authority (SPGA) for the zoning district in which the Residential Project is located. A Special Permit may be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special permit shall be as defined in Section VI of the Town's zoning bylaw.

V-J.4 Mandatory Provision of Affordable Units:

- A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements:

1. At least **fifteen (15) percent** of the units in a Residential Project on a division of land or multiple unit development subject to this bylaw, rounded up to the nearest whole number, shall be established as affordable housing units in any one or combination of methods provided for below:
 - a) constructed or rehabilitated on the locus subject to the Special Permit (see Section V-J.5) in Residential Projects with six (6) or more net new dwelling units; or
 - b) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section V-J.6) in Residential Projects with six (6) or more net new dwelling units; or
 - c) an equivalent fee-in-lieu of units may be made (see Section V-J.7); or
 - d) An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.
2. As a condition of approval for a Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units developed under a combination of requirements described in Section V-J.4.A.1 (a) - (d) may consist of a mix of housing types, except as provided for below:
 - a) In Residential Projects **consisting entirely of single-family dwellings**, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d) offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.

- b) In Residential Projects, including Phased and Segmented Developments, which result in a net increase of **two (2) to five (5) dwelling units**, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section V-J.4.A.1 requirements (c) and consistent with G. L. c. 40B sect. 20-24 and 760 CMR 56.

Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type

<i>Residential Project, type:</i>	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
<i>Multi-family dwellings, or mix of single and multi-family dwellings (Projects with 6 or more units)</i> Section V-J.4.A.1	a) Provision of Affordable unit(s), on site b) Provision of Affordable unit(s), off-site c) Provision of fee-in-lieu of unit(s) payment d) Provision of buildable land
<i>Single-family dwellings only (Projects with 6 or more units)</i> Section V-J.4.A.2 (a)	c) Provision of fee-in-lieu of unit(s) payment d) Provision of buildable land
<i>Single or multi-family dwellings (Projects with 2-5 units)</i> Section V-J.4.A.2 (b)	c) Provision of fee-in-lieu of units payment

3. As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. 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 SPGA and the Inspector of Buildings.

V-J.5 Provisions Applicable to Affordable Housing Units On- and Off-Site:

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than

market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

- B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall comply with the requirements for Local Initiative Units as specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-rate Unit (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

- D. Pricing of Affordable Units. The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall be equal the number of bedrooms in each Affordable Unit plus one (1).
- E. Local Preference. Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered, in the following priority, to:
1. Persons who currently reside within the Town of Natick;
 2. Persons whose spouse, son, daughter, father, mother, brother, or sister currently reside in the Town of Natick;
 3. Persons who are employed by the Town of Natick or by businesses located within the Town of Natick;
- F. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the

SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

- G. Condominiums. Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.
- H. Legal Review. All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

V-J.6 Provision of Affordable Housing Units Off-Site:

- A. As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5.B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

V-J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units:

- A. Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost calculated as: **0.10 x Initial Sales Price of an Affordable Dwelling Unit** of identical size (in terms of average number of bedrooms), calculated according to the provisions of Section V-J.8, and shall be payable in full prior to issuance of a final occupancy permit. The SPGA may annually adjust the acceptable value of the fee in-lieu-of units according to maximum income levels established by the Commonwealth's Department of Housing and Community Development.
 - 1. The SPGA may reduce the applicable fee-in-lieu-of units charge by up to fifty percent (50%) for each dwelling in a housing development with initial rents or sale prices that are affordable to households earning 81-120% of Median Income, calculated according to standards of the Department of Housing and Community Development (DHCD), and in compliance with the household size provisions of Section V-J.5.D of this bylaw.
 - 2. Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to the schedule set forth in Section V-J.5.C, above.

V-J.8 Maximum Incomes and Selling Prices: Initial Sale:

- A. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.
- B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), Local Initiative Program or as revised by the Town.

V-J.9 Preservation of Affordability; Restrictions on Resale:

- A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.3). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.
 - 1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section V-J.9.A, above.
 - 2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
 - 3. The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2 above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

- V-J.10 Conflict with Other Bylaws/Ordinances:** The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances regarding the provision of Affordable Housing except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.
- V-J.11 Severability:** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw.

DRAFT

DEFINITIONS UPDATES: Insert into or amend existing terms in Section 200 (Definitions)

Affordable Housing: Housing which is permanently restricted, by deed or otherwise, for sale, lease or rental and which qualifies for inclusion in the Town's Subsidized Housing Inventory (SHI) as defined in 760 CMR 56, or, housing which meets the criteria for recognition as Affordable Housing Units under a Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development and which meets the criteria noted above.

Affordable Dwelling Units: Dwelling units which meet all the requirements of Affordable Housing. Affordable rental units shall be priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of Median Income.

Buildable Land: A parcel or parcels of property for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw.

Eligible Household: For affordable rental units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. For affordable ownership units, a household whose total income does not exceed 70% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56.

Fee-in-lieu-of units: The fee paid to the Natick Affordable Housing Trust in-lieu of the construction or provision of affordable units in Residential Projects with two (2) to five (5) dwelling units, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project.

Initial Rent of an Affordable Dwelling Unit: The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income.

Initial Sales Price of an Affordable Dwelling Unit: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income.

Median Income: The income set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size,

or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development.

Phased or Segmented Housing Development: A Residential Project containing dwellings on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Housing Project.

Residential Project: Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw.

Residential Development (2-5 units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with two (2), three (3), four (4) or five (5) dwelling units.

Residential Development (6 or more units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with six (6) or more dwelling units.

Total Development Cost: The sum of all costs for site acquisition, relocation, design, engineering, environmental testing and remediation, demolition, construction and equipment, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this by-law.

Warrant Article Questionnaire
Citizen Petitions & Non Standard Town Agency Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article # 29	Date Form Completed: 3/7/2018
Article Title: Inclusionary Affordable Housing Requirements	
Sponsor Name: Natick Planning Board	Email: tfields@natickma.org

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	Please see attached Motions A and B.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	Promote the construction of affordable housing through a comprehensive inclusionary housing zoning by-law amendment that will preserve and enhance the affordability of Natick's housing stock.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Insertion of a comprehensive zoning by-law amendment mandating inclusionary requirements for affordable housing in residential development projects.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	Spur construction of affordable housing compliant with 760 CMR 56 and eligible for inclusion in the Commonwealth's Subsidized Housing Inventory in residential projects with two or more "net new" dwelling units. This will help preserve Natick's compliance with the statutory minima "safe harbor" under MGL Ch. 40B and 760 CMR 56 and increase the number of dwellings affordable to households earning 80% or less of the Boston Area Median Income.

Warrant Article Questionnaire

Citizen Petitions & Non Standard Town Agency Articles

5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	<p>Except for the affordable housing changes, the proposed changes have no direct effects on the Town's financial or capital plans. The affordable housing changes, overdue as they are, would actually help the town financially by increasing the chances that the Town passes the next 10% test to be measured as of 2020. If the Town fails to meet the 10% minimum level of Affordable Housing, Natick would be subject to additional 40B projects resulting in increased density, need for services, school resources and traffic, etc.</p> <p>Provision of housing affordable across a broad spectrum of income-levels has been a strong desire expressed by respondents to opinion surveys conducted during the Natick 2030 Master Planning process throughout 2017. The Planning Board strongly believe that the above proposals do not inhibit development of residential property but rather establish much needed balance in housing affordability throughout town.</p>
6	<p>Have you considered and assessed, qualified and quantified the various impacts to the community such as:</p> <ul style="list-style-type: none"> • Town infrastructure (traffic, parking, etc.) • Neighbors (noise, traffic, etc.); • Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	The proposals re: Inclusionary Requirements of Affordable Housing make it more likely that the Town can continue to meet the MGL 40B 10% "Safe Harbor" threshold and preserve its ability to reject 40B projects and that individuals of varied economic status can continue to call Natick 'home'
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	The critical participants are the members of the Planning Board, Affordable Housing Trust and representative Town Meeting, who will ultimately vote to adopt the proposed changes.

Warrant Article Questionnaire

Citizen Petitions & Non Standard Town Agency Articles

8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> Interested parties were notified in a timely way and had a chance to participate in the process, that Appropriate town Boards & Committees were consulted Required public hearings were held
Response	<p>The sponsor (Planning Board) is following the required process for zoning changes. The Board has convened an Inclusionary Zoning Working Group that has held multiple public meetings with CED staff throughout December, January and February of 2018 on modifying the Commonwealth's Model Inclusionary Zoning By-law into a zoning by-law amendment for Natick. The Board is reviewing the proposal changes as required on 3/14/18.</p>
9	<p>Why is it required for the Town of Natick AND for the sponsor(s)?</p>
Response	<p>These changes are needed to preserve and enhance the affordability of Natick's housing stock, and preserve its ability to control residential development. Outside of those concerns, the sponsors have nothing to benefit from this.</p>
10	<p>Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?</p>
Response	<p>Appropriate changes should be made in the future to address affordable housing requirements and shifting housing market dynamics.</p>
11	<p>What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish</p>
Response	<p>The proposed changes are based on the Commonwealth's Model Inclusionary Zoning By-law compiled by the Department of Housing and Community Development, which administers the MGL 40B process under 760 CMR 56.</p>
12	<p>If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.</p>
Response	<p>Under current housing development trends, the town is projected to fall out of the 10% Affordable Housing Safe Harbor under MBL 40B after the 2020 US Census. This will</p>

Warrant Article Questionnaire

Citizen Petitions & Non Standard Town Agency Articles

	prevent the Town from rejecting inappropriate 40B residential proposals and limit its ability to mitigate impacts of such projects.
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SECTION V-J INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS

GREEN text marks additions to the Mass. Model Bylaw from the Town of Natick;

V-J.1 Purpose and Intent: The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and **760 CMR 56** and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Commonwealth's Department of Housing and Community Development (DHCD). Definitions for Affordable Dwelling Unit and Eligible Household can be found in the Definitions Section.

V-J.2 Applicability of Mandatory Provision of Affordable Units

A. In all zoning districts and overlay districts, the inclusionary affordable housing requirements of this section for the mandatory provision of affordable units shall apply to the following uses, consistent with the requirements set forth in G. L. c. 40B sect. 20-24 and 760 CMR 56:

1. Any Residential Project, **including Phased or Segmented Housing Developments**, that results in a net increase of **two (2) or more dwelling units**, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
2. Any Residential Project involving subdivision of land for development of **two (2) or more dwelling units**; and
3. **Any life care facility development (including Assisted Living Residences and Elderly Family Residences) that includes two (2) or more assisted living units and accompanying services, unless a determination has been made satisfactory to the SPGA that living units of the life care facility do not affect the Town's Statutory Minima or the Town's Computation of Statutory Minima as defined and/or set forth in 760 CMR 56 as maintained by the Massachusetts Department of Housing and Community Development (DHCD).**

V-J.3 Special Permit: The development of any Residential Project set forth in Section V-J.2 (above) shall require the grant of a Special Permit from the designated Special Permit Granting Authority (SPGA) for the zoning district in which the Residential Project is located. **A Special Permit may be granted if the proposal meets the requirements of this bylaw.** The application procedure for the Special permit shall be as defined in Section VI of the Town's zoning bylaw.

V-J.4 Mandatory Provision of Affordable Units:

- A. As a condition of approval for a Special Permit, the Applicant shall contribute to the local stock of affordable units in accordance with the following requirements:
1. At least **fifteen (15) percent** of the units in a **Residential Project on a division of land** or multiple unit development subject to this bylaw, **rounded up to the nearest whole number**, shall be established as affordable housing units in any one or combination of methods provided for below:
 - a) constructed or rehabilitated on the locus subject to the Special Permit (see Section V-J.5) **in Residential Projects with six (6) or more net new dwelling units**; or
 - b) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section V-J.6) **in Residential Projects with six (6) or more net new dwelling units**; or
 - c) an equivalent **fee-in-lieu** of units may be made (see Section V-J.7); or
 - d) An applicant may offer, and the SPGA may accept, provision of buildable land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units.
 2. **As a condition of approval for a Special Permit, the SPGA may specify to an Applicant the combination of requirements described in Section V-J.4.A.1 to be used to satisfy compliance with the mandatory provision of affordable units. The applicant may offer, and the SPGA may accept, any combination of the requirements described in Section V-J.4.A.1 (a) - (d) provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of Affordable Dwelling Units required by this bylaw. Non-acceptance of an offer by the SPGA does not release the Applicant from compliance with all provisions of this bylaw. The value of any combination of the Section V-J.4.A.1 (a) - (d) requirements provided by an applicant shall always be equal to or greater than the Total Development Cost of affordable units required by this bylaw. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Affordable Dwelling Units developed under a combination of requirements described in Section V-J.4.A.1 (a) - (d) may consist of a mix of housing types, except as provided for below:**
 - a) **In Residential Projects consisting entirely of single-family dwellings, only Section V-J.4.A.1 requirements (c) and (d) may be offered by the applicant and accepted by the SPGA. For such single-family Residential Projects, the value of Section V-J.4.A.1 requirement (c) offered by the applicant shall equal 100% of the Total**

Development Cost of affordable units required by this bylaw, while the value of Section V-J.4.A.1 requirement (d) offered by the applicant shall equal 110% of the Total Development Cost of affordable units required by this bylaw.

- b) In Residential Projects, including Phased and Segmented Developments, which result in a net increase of **two (2) to five (5) dwelling units**, in lieu of the requirements of Section V-J.4.A.1 a), b) or d), the Applicant shall contribute funds to the Natick Affordable Housing Trust to be used for assisting households to occupy Affordable Dwelling Units in Natick in lieu of the Applicant constructing and offering affordable units within the locus of the proposed development or at an off-site locus, consistent Section V-J.4.A.1 requirements (c) and consistent with G. L. c. 40B sect. 20-24 and 760 CMR 56.

Table V-J.4 Mandatory Provision of Affordable Units, by Residential Project Type

<i>Residential Project, type:</i>	Methods for fulfilling Mandatory Provision of Affordable Units, Section V-J.4.A.1
<i>Multi-family dwellings, or mix of single and multi-family dwellings (Projects with 6 or more units)</i> <i>Section V-J4.A.1</i>	a) Provision of Affordable unit(s), on site b) Provision of Affordable unit(s), off-site c) Provision of fee-in-lieu of unit(s) payment d) Provision of buildable land
<i>Single-family dwellings only (Projects with 6 or more units)</i> <i>Section V-J4.A.2 (a)</i>	c) Provision of fee-in-lieu of unit(s) payment d) Provision of buildable land
<i>Single or multi-family dwellings (Projects with 2-5 units)</i> <i>Section V-J4.A.2 (b)</i>	c) Provision of fee-in-lieu of units payment

3. As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the SPGA. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section V-J.9 of this bylaw. 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 SPGA and the Inspector of Buildings.

V-J.5 Provisions Applicable to Affordable Housing Units On- and Off-Site:

- A. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
- B. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in exterior design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall comply with the requirements for Local Initiative Units as specified by the Department of Housing and Community Development in the guidelines for the Local Initiative Program.
- C. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-rate Unit (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

- D. Pricing of Affordable Units. The household size figure used to calculate the Initial Sales Price or Rent of an Affordable Unit shall be equal the number of bedrooms in each Affordable Unit plus one (1).
- E. Local Preference. Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least fifty percent (50%) of the affordable units shall be initially offered, in the following priority, to:
1. Persons who currently reside within the Town of Natick;
 2. Persons whose spouse, son, daughter, father, mother, brother, or sister currently reside in the Town of Natick;

3. Persons who are employed by the Town of Natick or by businesses located within the Town of Natick;

- F. Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.
- G. Condominiums. Condominium documentation shall provide the owners of the Affordable Units with full and equal rights to all services and privileges associated with condominium ownership.
- H. Legal Review. All legal documents, including but not limited to: affordable housing deed riders, affordability restrictions, leases, condominium documents and/or homeowner's agreements shall be subject to peer legal review by the SPGA, to be paid in full by the Applicant.

V-J.6 Provision of Affordable Housing Units Off-Site:

- A. As an alternative to the requirements of Section V-J.5, an applicant subject to this bylaw may develop, construct or otherwise provide affordable units offsite, equivalent to those required by Section V-J.4 and meeting all quality criteria outlined in Section V-J.5.B. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location, housing type and character of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

V-J.7 Calculation of Fees-in-Lieu-of Affordable Housing Units:

- A. Calculation of fee-in-lieu-of units. For the purposes of this bylaw the fee-in-lieu of the construction or provision of affordable units shall be determined as a per-unit cost calculated as: **0.10 x Initial Sales Price of an Affordable Dwelling Unit** of identical size (in terms of average number of bedrooms), calculated according to the provisions of Section V-J.8, and shall be payable in full prior to issuance of a final occupancy permit. The SPGA may annually adjust the acceptable value of the fee in-lieu-of units according to maximum income levels established by the Commonwealth's Department of Housing and Community Development.
 1. The SPGA may reduce the applicable fee-in-lieu-of units charge by up to fifty percent (50%) for each dwelling in a housing development with initial rents or sale prices that are affordable to households earning 81-120% of Median Income, calculated according to standards of the Department of Housing and Community

Development (DHCD), and in compliance with the household size provisions of Section V-J.5.D of this bylaw.

2. Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to the schedule set forth in Section V-J.5.C, above.

V-J.8 Maximum Incomes and Selling Prices: Initial Sale:

- A. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Department of Housing and Community Development (DHCD), and as may be revised from time to time.
- B. The maximum housing cost for affordable units created under this bylaw is as established by the Department of Housing and Community Development (DHCD), Local Initiative Program or as revised by the Town.

V-J.9 Preservation of Affordability; Restrictions on Resale:

- A. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section V-J.4.A.3). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.
 1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section V-J.9.A, above.
 2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town of Natick, consistent with model riders prepared by the Department of Housing and Community Development (DHCD), granting, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
 3. The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section V-J.9.A.2

above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

V-J.10 Conflict with Other Bylaws/Ordinances: The provisions of this section shall be considered to supersede existing zoning bylaws/ordinances regarding the provision of Affordable Housing except for the Smart Growth Overlay (SGO) district. To the extent that a conflict exists between this section and others, this section, or provisions therein, shall apply.

V-J.11 Severability: If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Natick Zoning Bylaw.

DRAFT

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Affordable Dwelling Units: Dwelling units which meet all the requirements of Affordable Housing. Affordable rental units shall be priced such that the rent (including utilities) shall not exceed 30% of the income of a household at 70% of Median Income. Affordable homeownership units shall be priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5% down payment) shall not exceed 30% of the income of a household at 70% of Median Income.

Buildable Land: A parcel or parcels of property for which a building permit may be obtained to construct one or more dwelling units under the provisions of the Natick Zoning Bylaw.

Eligible Household: For affordable rental units, a household whose total income does not exceed 80% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56. For affordable ownership units, a household whose total income does not exceed 70% of the Median Income, adjusted for household size, consistent with the requirements of 760 CMR 56.

Fee-in-lieu-of units: The fee paid to the Natick Affordable Housing Trust in-lieu of the construction or provision of affordable units in Residential Projects with two (2) to five (5) dwelling units, determined as a percentage of the Initial Sales Price of an Affordable Dwelling of identical size to the average number of bedrooms in dwellings proposed for the Residential Project.

Initial Rent of an Affordable Dwelling Unit: The initial rent of an Affordable Unit shall be determined to ensure that monthly rent payments and all utility charges shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income.

Initial Sales Price of an Affordable Dwelling Unit: The initial sales price of an Affordable Unit shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, calculated according to standards of the Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development), condominium or related fees, property insurance, mortgage insurance (if required), real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of seventy percent (70%) of monthly Median Income.

Median Income: The income set forth in or calculated according to regulations promulgated by the United States Department of Housing and Urban Development pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, determined annually for the Boston-Cambridge-Quincy, MA-NH Metropolitan Statistical Area and adjusted for family size,

or if such income standard no longer exists, such other equivalent income standard as determined by the Massachusetts Department of Housing and Community Development.

Phased or Segmented Housing Development: A Residential Project containing dwellings on one lot, or two or more adjoining lots in common ownership or common control for which special permits or building permits are granted within a period of ten years from the first date of approval for any special or building permits for the Housing Project.

Residential Project: Development projects with residential uses (including developments with a mix of residential and non-residential uses) subject to the requirements of Natick's Inclusionary Zoning Bylaw.

Residential Development (2-5 units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with two (2), three (3), four (4) or five (5) dwelling units.

Residential Development (6 or more units): Residential Uses 1, 2, 3, 4 or 5 listed in Table III-A.2 with six (6) or more dwelling units.

Total Development Cost: The sum of all costs for site acquisition, relocation, design, engineering, environmental testing and remediation, demolition, construction and equipment, interest, and carrying charges necessary to produce the required number of complete, habitable Affordable Dwelling Units required by this by-law.

Inclusionary Zoning Bylaw

Introduction

This model bylaw provides a menu of options for crafting inclusionary zoning bylaws that respond directly to local housing demands and real estate financial conditions. The zoning structure begins as a mandatory inclusionary zoning provision, then offers a series of optional exemptions to affordable housing development that mitigate hardships associated with affordable housing development. Section 04.2 includes a variety of incentives that can be used spur affordable housing development and mitigate the costs borne by developers. Commentary below specific provisions details the development implications of each exemption and incentive. Municipalities should carefully consider the development consequences of each of these policy choices in order to assemble zoning bylaws that respond directly to local economies. However, note that previous studies, [<http://www.mhp.net/vision/zoning.php>], indicate that mandatory provisions combined with strong incentives are most effective in promoting affordable housing development.

01.0 Purpose and Intent: The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw/ordinance be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development. Definitions for affordable housing unit and eligible household can be found in the Definitions Section.

02.0 Applicability

1. In all zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:

- (a) Any project that results in a net increase of [ten (10)] or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and

COMMENT: *The number of units required to trigger the applicability of the inclusionary zoning provisions should reflect local real estate development demands. In built-out communities, inclusionary zoning could apply to developments with fewer units. For example, Brookline's affordable housing requirements apply when six new residential units are proposed. Other Massachusetts communities, including Boston and Cambridge bylaws specify ten (10) as the threshold number of new units required to trigger the application inclusionary zoning bylaws. The Cape Cod Commission regulations specify 30 units, but encourage the member towns to specify a 10-unit minimum.*

- (b) Any subdivision of land for development of ten (10) or more dwelling units; and

COMMENT: *It is recommended that the Town adopt a companion regulation to prevent intentional segmentation of projects designed to avoid the requirements of this bylaw (e.g. subdividing one large tract into two smaller tracts, each of which will contain fewer than 10 units or phasing a development such that each phase will contain fewer than 10 units). This “anti-segmentation” bylaw can specify that parcels held in common ownership as of the passage of this bylaw cannot later defeat the requirements of this regulation by segmenting the development. Note that the division of land trigger is accomplished by either filing a plan for the subdivision of land or the filing of a so-called approval not required plan.*

- (c) Any life care facility development that includes ten (10) or more assisted living units and accompanying services.

COMMENT: *It is recommended that the Town review zoning definitions for life care facilities to ensure coordination between sections.*

03.0 Special Permit: The development of any project set forth in Section 02.0 (above) shall require the grant of a Special Permit from the Board of Appeals or other designated Special Permit Granting Authority (SPGA). A Special Permit shall be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special permit shall be as defined in Section _____ of the Town’s zoning bylaw.

04.0 Mandatory Provision of Affordable Units:

1. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of affordable unit in accordance with the following requirements:

(a) At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the Special Permit (see Section 05.0); or
- (2) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section 06.0); or
- (3) an equivalent fees-in-lieu of payment may be made (see Section 07.0); or
- (4) An applicant may offer, and the SPGA may accept, donations of land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw/ordinance, that the applicant

submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

- (b) The applicant may offer, and the SPGA may accept, any combination of the Section 04.1(a)(1)-(4) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw/ordinance.

COMMENT: *The provisions above establish the minimum number of, and methods for, provision of affordable units. Note that the applicant has four choices for providing affordable units. First, they may construct or rehabilitate units on the site subject to the Special Permit. Second, they may construct or rehabilitate units at a different site than the one subject to the Special Permit. Third, they may offer fees-in-lieu of the construction of affordable housing units, more fully discussed in Section 07. Fourth, they may offer, and the SPGA may accept, land on- or off-site for the purposes of constructing affordable units, perhaps by the Town or a non-profit entity or a subsequent developer. Finally, the applicant may propose and the SPGA may accept any combination of options one through four.*

- (c) As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section 0.9 of this bylaw. 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.

COMMENT: *Regulatory agreements are an essential component to any affordable housing development as they are the primary vehicle for recording these restrictions in a manner recognized by the Commonwealth. The content of agreements will vary depending on a variety of factors including: the type of housing (rental or ownership), the method of property transferal, the income limits, the town's housing administrative structure, etc. Sample restrictions can often be found attached to approved Plan Production Plans (<http://www.mass.gov/dhcd/components/SCP/PProd/plans.htm>).*

2. To facilitate the objectives of this Section 04.0, modifications to the dimensional requirements in any zoning district may be permitted for any project under these regulations, as the applicant may offer and the SPGA may accept, subject to the conditions below:

- (a) FAR Bonus. The FAR normally permitted in the applicable zoning district for residential uses may be increased by up to thirty (30) percent for the inclusion of affordable units in accordance with Section 04.1 (above), and at least fifty (50) percent of the additional FAR should be allocated to the affordable units. In a mixed use

development, the increased FAR may be applied to the entire lot, however any gross floor area increase resulting from increased FAR shall be occupied only by residential uses, exclusive of any hotel or motel use.

(b) Density Bonus. The SPGA may allow the addition of two market rate units for each affordable unit provided as part of compliance with the Special Permit. The minimum lot area per dwelling unit normally required in the applicable zoning district may be reduced by that amount necessary to permit up to two (2) additional market rate units on the lot for each one affordable unit required in Section 04.1 (above).

***COMMENT:** The provisions above provide a baseline density bonus of two market rate units for every one affordable unit provided by an applicant. This density bonus will likely cover the cost to the developer of providing each required affordable unit. These provisions may also make the adoption of mandatory inclusionary zoning more politically feasible. Communities may choose to omit this provision in favor of offering density bonuses for affordable units above and beyond the baseline requirement of 10%. However, the two different approaches may be used together as in this model bylaw. The following provision (04.2(c)) illustrates how density bonuses can be provided for affordable units beyond the baseline 10%.*

(c) Voluntary Inclusionary Housing Bonus. New affordable housing development that is not subject to Section 02.0 and exceeds the requirements specified in Section 04.1(a) may receive the same benefits specified in Sections 04.2(a) and 04.2(b) when the development is approved by the SPGA. The net increase in housing units shall not exceed [fifty percent 50%] of the original property yield before any density bonuses were applied.

***COMMENT:** Where communities are willing to allow density increases for associated with affordable units provided above and beyond the baseline 10%, the important issue to address is what the overall “cap” will be for the density bonus. The model uses a net 50% over the property yield as a potential cap for density increase, but communities could consider higher increases depending on the existing minimum lot size and the goals of their Comprehensive Plan.*

05.0 Provisions Applicable to Affordable Housing Units On- and Off-Site:

1. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
2. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.

COMMENT: The provisions above provide general guidelines meant to ensure that the affordable housing is well integrated with and visually indistinguishable from market rate housing. These goals can be strengthened by specifying site plan and building material standards.

Market-rate Unit (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

3. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

COMMENT: The table above establishes the required schedule for completion of affordable units in conjunction with the completion of market rate units. For example, a 100-lot subdivision requires 10 affordable units. Assume all 10 affordable units are to be constructed on-site. Upon completion of the 31st market rate unit, the developer must construct at least 1 affordable unit (10% of 10). After completion of the 50th unit, the applicant must have constructed at least 3 affordable units (30% of 10), and so on. Towns are free to adjust this schedule, but should bear in mind that a minimum number of market rate units are often needed to create sufficient cash flow to make the overall project work. To that end, it is recommended that the initial affordable unit requirement not be triggered until at least one-third of the market units are constructed.

4. Marketing Plan for Affordable Units. Applicants under this bylaw/ordinance shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

COMMENT: A marketing plan is considered essential to the success of affordable housing development in many parts of Massachusetts. Issues of how the units are advertised, how qualified applicants are sought and determined, and methods for reducing delays for qualified applicants are key to the use of this bylaw/ordinance. As an option, the responsibilities under this provision could be transferred to a local housing partnership or authority.

06.0 Provision of Affordable Housing Units Off-Site:

1. As an alternative to the requirements of Section 05.0, an applicant subject to the bylaw/ordinance may develop, construct or otherwise provide affordable units equivalent to those required by Section 04.0 off-site. All requirements of this bylaw/ordinance that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In

addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

COMMENT: *Allowing off-site provision of affordable units gives flexibility to developers and allows municipalities to more carefully control the siting of new affordable housing development. Towns should add review criteria for the approval of off-site locations to ensure that new affordable housing development promotes the goal of creating mixed-income neighborhoods and encourages development or conversion of affordable units near areas with municipal services or access to public transportation may. Relegating the provision of the affordable units to undesirable portions of the community does little to promote the purposes of this bylaw/ ordinance. Furthermore, towns and cities with more economically segregated neighborhoods should consider striking this provision from the bylaws to ensure that each new residential development built in any neighborhood contains some affordable housing.*

07.0 Fees-in-Lieu-of Affordable Housing Unit Provision:

1. As an alternative to the requirements of Section 05.0 or Section 06.0, an applicant may contribute to an established local housing trust fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.

- (a) Calculation of fee-in-lieu-of units. The applicant for development subject to this bylaw may pay fees-in-lieu of the construction of affordable units. For the purposes of this bylaw/ordinance the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports. The SPGA will make the final determination of acceptable value.

COMMENT: *This Section provides a cash payment option in lieu of providing affordable units. The payment value may differ for each municipality and will depend on the size of the affordable housing unit discount that would be necessary to make the unit affordable (e.g. median sale price of market rate unit minus maximum sale price of a three-bedroom affordable dwelling unit). Fees-in-lieu will need to be recalculated regularly to account for inflation and other market changes. Furthermore, the local housing trust fund will need to be closely regulated to ensure that dollars contributed to the fund are spent exclusively on the provisioning of affordable housing. This is the appropriate section for specifying guidelines for administering the housing trust and stipulating the governance structure by which the trust will be managed.*

Municipalities that significantly lack affordable housing opportunities should consider heavily restricting the fee-in-lieu payment option. In built-out communities, housing trust funds often grow and sit unused because sites appropriate for affordable housing development are not available. Additionally, affordable housing trusts can force municipal agents into the role of real estate developers, which local government officials may be poorly suited for or reluctant to do. Cities such as Cambridge have eliminated the fee-in-lieu payment option in almost all cases except for extreme hardship in order to ensure that affordable housing is built by the developers at the same time that new development is under construction.

- (b) Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to the schedule set forth in Section 05.3, above.

COMMENT: This section establishes the fee-in-lieu of payments schedule to coincide with the schedule for provision of units established by Section 05.3. For example, a 50-lot subdivision requires five affordable units. An applicant choosing to make fee-in-lieu of payments would be required to pay \$5X (5 units @ \$X per unit). The payment schedule would require 10 percent of the \$5X after the 16th market rate unit was built, and \$100,000 after the 38th market rate unit was built and so on, according to the schedule noted in Section 05.3.

- (c) Creation of Affordable Units. Cash contributions and donations of land and/or buildings made to the Town or its Housing Trust in accordance with Section 07.1 shall be used only for purposes of providing affordable housing for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

08.0 Maximum Incomes and Selling Prices: Initial Sale:

1. To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.
2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

COMMENT: The Department of Housing and Community Development publishes maximum income, selling prices and monthly rent ceilings for occupants of affordable income housing units (Department of Housing and Community Development, Local Initiative Program, July 1996). Individual towns are free to adjust these numbers to accommodate local needs and concerns; however, it is recommended that the Department's guidelines be reviewed prior to setting local ceilings. These provisions may be more appropriately handled by the local housing partnerships rather than the developer.

09.0 Preservation of Affordability; Restrictions on Resale:

1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section 0.4.1(c)). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.
 - (a) Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the

unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 9.1, above.

COMMENT: For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this bylaw, it has sold for 75 percent of its appraised value. If the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500-75 percent of the appraised value of \$150,000.

(b) Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(c) The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 10.1(b), above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

COMMENT: This Section provides language to ensure that the affordable housing units remain affordable by restricting re-sales in perpetuity and by granting the Town a right of first refusal to purchase the dwelling unit should a qualified purchaser, beyond the initial purchaser, not be found. The restrictions on resale are designed to encourage the homeowner to maintain and improve the property while at the same time ensure that if and when sold, the new qualified buyer is able to enjoy the same discount between sale price and appraised value. It is important to emphasize that the restrictions on resale do not block, in any way, the property owner from realizing a profit on the resale of the dwelling unit. Rather, as noted, the resale restriction passes on the initial discounted rate enjoyed by the initial buyer to the new, qualified buyer.

10.0 Conflict with Other Bylaws/Ordinances: The provisions of this bylaw/ordinance shall be considered supplemental of existing zoning bylaws/ordinances. To the extent that a conflict exists between this bylaw/ordinance and others, the more restrictive bylaw/ordinance, or provisions therein, shall apply.

COMMENT: This provision establishes that where a conflict exists between this bylaw/ordinance and an existing (or future) bylaw/ordinance, the more restrictive provisions of either would apply. For example, this bylaw/ordinance requires a Special Permit for the division of land into ten or more lots, whereas that requirement may not currently exist in existing town bylaws/ordinances. Section 10.0 states that the more restrictive provision applies during a conflict, thus the Special Permit requirements of this bylaw/ordinance would supersede (overrule) the provisions of existing bylaws/ordinances.

11.0 Severability: If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

COMMENT: *This Section is a generic severability clause. Severability clauses are intended to allow a court to strike or delete portions of a regulation that it determines to violate state or federal law. In addition, the severability clause provides limited insurance that a court will not strike down the entire bylaw should it find one or two offending sections.*

ITEM TITLE: Article 30 - Amendments to the Town of Natick Zoning By-Law and Zoning Map

ITEM SUMMARY:

ATTACHMENTS:

Description	Upload Date	Type
Article 30 - Divided Motion	3/22/2018	Exhibit
PB Approved Motion as of 3/21	3/22/2018	Exhibit
Zoning Map showing Districts before change	3/14/2018	Exhibit
AZoning Map showing districts after change	3/14/2018	Exhibit
Article 30 Draft Motion -Old Motion	3/14/2018	Exhibit

2018 Spring Annual Town Meeting #30
Amendments to the Town of Natick Zoning By-Law and Zoning Map
Article #30

Proposed Motion

Move that the zoning bylaws be amended as follows:

Motion A

Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, as follows:

- Extend, add, and/or amend the Downtown Mixed Use (DM) district to include the entirety of the following properties: Town of Natick Assessors' Map 43, Lots 412, 415, 416, and 417;

Motion B

Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, as follows:

- Extend, add, and/or amend the HOOP II Overlay District to the following properties: Town of Natick Assessors' Map 43, Lots 412, 415, 416, and 417.

2018 Spring Annual Town Meeting #30
Amendments to the Town of Natick Zoning By-Law and Zoning Map
Article #30

Proposed Motion

Move that the zoning bylaws be amended as follows:







Amend the Town of Natick Zoning Map, as referenced in the Town of Natick Zoning By-Law under Section II-B Location of Districts (Zones) subsection 1, as follows:

- a) Extend, add, and/or amend the Downtown Mixed Use (DM) district to include the entirety of the following properties: Town of Natick Assessors' Map 43, Lots 412, 415, 416, and 417; and
- b) Extend, add, and/or amend the HOOP II Overlay District to the following properties: Town of Natick Assessors' Map 43, Lots 412, 415, 416, and 417.

[illegible]

Parcels Proposed for HOOP II expansion

- ### Parcels Proposed for DM Zone Expansion

- ### Zoning Districts
-  Administrative and Professional
 -  Downtown Mixed-Use
 -  Industrial-I
 -  Residential General
 -  Residential-Single Attached
 -  Residential-Single Detached

**2018 Spring Annual Town Meeting #30
Amendments to the Town of Natick Zoning By-Law and Zoning Map
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- b) Extend, add, and/or amend the HOOP II Overlay District to the following properties: Town of Natick Assessors' Map 43, Lots 412, 415, 416, and 417; and
- c) Extend, add, and/or amend the HOOP II Overlay District to the following properties: Town of Natick Assessors' Map 35, Lots 105, 105A, 106, 107, 108, and 109.