

Framingham Planning Board

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February 27, 2016

RE: Affordable/Inclusionary Housing, Section V.H. of the Framingham Zoning By-law

Dear Town Meeting Members,

The Planning Board has prepared an amended and updated Affordable/Inclusionary Housing By-Law for Annual Town Meeting. The original Affordable Housing By-Law was adopted at the Annual Town Meeting that commenced on April 27, 2004 as Article 36. Over the past several months the Planning Board has worked with Judith Barrett of RKG Associates who specializes in housing development practices, Petrini & Associates, and the Standing Committee on Planning and Zoning to revise and amend the existing Affordable Housing By-Law as an updated Inclusionary Housing By-Law as presented. The current recommendation for this By-Law revision is the renaming it to "Inclusionary" rather than "Affordable" as it is more representative of its purpose and intent.

Below is a brief overview of the amendments and updates to the Affordable/ Inclusionary Housing By-Law.

- **Special Permit vs. By-right**

The existing Affordable Housing By-Law requires applicants to seek a special permit for residential projects that propose a minimum of 10 residential dwellings. Given that Affordable/Inclusionary Housing is a requirement rather than an option, the update now requires affordable/inclusionary house as a by-right review. Basically, all residential and residential mixed-use projects with 10 or more units shall provide 1 affordable unit for every 10 residential units and shall be reviewed as part of the project rather than as a separate permit. Furthermore, by changing the permit from a special permit to a by-right review this allows the Town to require all residential projects who meet the 10 lot minimum to provide affordable housing units. The existing By-Law as written creates a question of conflict with M.G.L in that a special permit cannot be required for a by-right use. For example, a subdivision cannot be required to seek a special permit as the basis of the project's approval.

- **Eligible Projects**

There are several parts to this topic.

1. **Minimum number of units that trigger affordable/inclusionary housing** – An extensive review of other municipalities affordable/inclusionary housing by-laws found the following:

- a. The lowest minimum number of residential units to trigger the affordable/inclusionary housing requirement was 6.

- b. The highest minimum number of residential units to trigger the affordable/inclusionary housing requires was 30.
- c. A majority of the municipalities ranged between 10 and 15 units for minimum triggers.

The Town of Framingham currently exceeds the 10 percent affordable housing requirement and is at 10.4 percent. The Town's minimum trigger is currently set at a minimum of 10 residential units. Therefore, there was no change in the minimum number of residential units to trigger the affordable/inclusionary housing by-law from the existing to the updated By-Law.

2. All residential and residential mixed-use development and/or redevelopment projects with a minimum of 10 units shall be required to provide 1 affordable unit for every 10 units developed and/or redeveloped including all subdivision projects, Neighborhood Cluster Developments projects, Agriculture Preservation Development projects, Open Space Cluster Development projects, single family houses, two-family houses, and/or multi-family houses.
3. To provide an incentive for developers and to assist the Town in maintaining the 10 percent affordable requirement, Section V.H.6. was created as an option to help capture smaller projects. Under Section V.H.6. a developer is granted a 20 percent lot area decrease for every four market rate units and one affordable units provided. Basically, under the Zoning By-Law, Section IV.E.2. Dimensional Regulations a lot in the Single Family Residential (R-4) Zoning District that requires 43,560sf (1 acre) lots can create 5 lots by using the 20 percent lot reduction, where a developer would normally be able to only build four lots.
 - R-4: requires 43,560sf (1 acre) lots * 20% reduction = 8,712sf - 43,560sf = 34,848sf *5 reduced size lots = 174,240sf for the 5 reduced lots OR 43,560*4 = 174,240sf for 4 conventional lots.
 - R-3: requires 20,000sf lots * 20% reduction = 4,000sf – 20,000sf = 16,000sf * 5 reduced size lots = 80,000sf for the 5 reduced lots OR 20,000 * 4 = 80,000sf for 4 conventional lots.
 - R-2: requires 12,000sf lots * 20% reduction = 2,400sf – 12,000sf = 9,600sf *5 reduced size lots = 48,000sf OR 12,000sf * 4 = 48,000sf
 - R-1 and G: requires 8,000sf lots * 20% reduction = 1,600sf – 8,000sf = 6,400sf * 5 reduced size lots = 32,000sf OR 8,000sf * 4 = 32,000sf for 4 conventional lots

The idea behind this Section is to require developers with smaller projects to contribute to the Town's affordable housing inventory as well as to ensure even and fair distribution of affordable housing throughout Town. Eventually over time this provision would require developers with small projects to contribute 3, 4, or 5 units and thus will potentially off-set the Town's required 10 percent affordable percentage.

- **On-site vs. Off-site**

The existing By-Law permits affordable units to be located on and off the project site. There are several concerns with allowing affordable units off-site:

- Developers do not have to meet the same standards as the larger project
- Does not promote a mixed neighborhood
- Can put a burden on other areas of Town for the benefit of another area.

- Rehab of older buildings – there are no standards as to what has to be rehabilitated or to what level. There is concern that those who qualify for affordable units will be burdened with costly repairs several years after owning the home, compared to those who could have purchased new homes.
- Section V.H.6. allows for developers to off-set costs if they opt for a special permit, compared to the required by-right permit.

Therefore, the updated By-Law requires Developers to provide the affordable units on-site

- **The Process**

- All Inclusionary Housing projects are now required to work with the State’s LIP program which records and tracks the affordable units for the Town.
- The Planning Board shall establish and maintain an affordable housing inventory
- Requires affordable units to be maintained in perpetuity.

- **Threshold/Minimum Number of Units**

- By-right a minimum of 10 units in the project – which requires 1 affordable unit for every 10 units
- Special Permit requires blocks of 5 units – 4 units market rate and 1 unit affordable

The amended and updated Inclusionary Housing By-Law, formally the Affordable Housing By-Law, provides the Town with the tools and procedures to create and redevelop a mixture of residential and residential mix-use project within the Town. A copy of the full By-Law can be found on the Planning Board’s webpage.

Thank you for your consideration of the attached Inclusionary Housing By-Law