

## **E. INCLUSIONARY HOUSING REGULATIONS**

### **ARTICLE X INCLUSIONARY HOUSING REGULATIONS**

#### **APPENDICES**

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**ARTICLE X. INCLUSIONARY HOUSING REGULATIONS****GENERAL PROVISIONS****10.1 Authority**

These Rules and Regulations are adopted by the Holliston Planning Board as authorized by MGL Chapter 40A and Section V-Q of the Holliston Zoning By-Laws.

**10.2 Purpose**

The purpose of these Rules and Regulations is to establish uniform procedures for conducting the business of the Planning Board under its jurisdiction as a Special Permit Granting Authority for Inclusionary Housing Special Permits, pursuant to Section V-Q of the Holliston Zoning By-Laws.

**10.3 Applicability**

Any person applying for a Special Permit for Inclusionary Housing under the By-Law, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Rules.

**10.4 Definitions**

10.4.1	Applicant	Any person or such person's authorized representative who files an application for a special permit under the Holliston Zoning By-Laws.
10.4.2	Application	All plans, forms, reports, studies or other documents that are submitted to the Planning Board under these Rules by an Applicant.
10.4.3	Board	The Planning Board of the Town of Holliston.
10.4.4	By-Law	The Zoning By-Laws of the Town of Holliston, as amended.
10.4.5	Parties in Interest	The Applicant; abutters; owners of land directly opposite on any private or public street or way; and abutters to the abutters within 300 feet of the property line of the Applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Board; and the Planning Board of every abutting city or town.
10.4.6	Rules	The Rules and Regulations for Inclusionary Housing Special Permit as presented herein.
10.4.7	Town	The Town of Holliston.

Other Definitions - Refer to the "Definitions" section and the Inclusionary Housing provisions of the By-Law for additional defined terms and the "Subdivision Rules and Regulations".

**10.5 Coordination with Subdivision Approval**

In the case where a project requires Subdivision Approval under the Subdivision Control Law or another Special Permit under the By-Law, the Applicant shall submit an application for approval of a Definitive Subdivision Plan subdivision and/or special permit with the Application for a Permit hereunder. To the extent permitted by law, the Board shall consider all applications concurrently.

**10.6 Waiver of Rules**

Strict compliance with these Rules may be waived if the Board finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the By-Law and these Rules and when applicable, the Planning Board Rules and Regulations.

Any request from an Applicant for a waiver of these Rules must be submitted, in writing, to the Board at the time of submission of the Application. Such requests must clearly identify the provisions of the Rules from which relief is sought and be accompanied by a statement setting forth the reasons why, in the Applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the By-Law and these Rules.

**10.7 Provision of Security**

The Board may require in its Decision that security be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized under a Permit. The form of security shall be generally as required in the Town of Holliston Subdivision Rules and Regulations.

No occupancy permit will be granted unless and until the construction of all site improvements are complete or the work remaining to be done is secured.

**10.8 Amendments to the Rules**

The Rules may be amended by a majority vote of the Board in a public hearing.

**APPLICATION****10.9 Contents of Application**

The Applicant shall submit an Application for Grant of a Special Permit and Site Plan Review, eight full size and six 11" x 17" reduced copies of the plan set and all applicable fees and deposits (as detailed in the Appendices), to the Planning Board, in accordance with these rules and shall file a copy of the Application with the Town Clerk. The submittal shall include the names and addresses of all owners of record of all adjacent properties (within 300 feet of any property line) and the map, block and parcel number of each of the properties. This list shall be prepared and certified by the Board of Assessors. The list shall be accompanied by two sets of stamped envelopes for all abutters as well as an additional 12 envelopes for required notification to abutting communities.

An Application that lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the Applicant to assure the accuracy and completeness of all information submitted to the Board as part of an Application. The Applicant shall be responsible for factually supporting all points relied upon in the Application including references for methodologies used in design calculations.

**10.10 Use Description/Narrative**

The Application shall be accompanied by a narrative consisting of a detailed description of the existing and proposed principal and accessory uses including the proposed distribution of the various land uses as well as the proposed diversity and approximate cost range for the dwelling units. The narrative shall also contain a detailed description of all support services provided such as recreation (indoor and outdoor), personal services (health, laundry, etc.), convenience services (retail store, financial, restaurant, transportation) and whether those services will be limited to residents of the development or available to the community at large as well as the proposed uses and form of ownership of the common facilities, if any.

**10.11 Other Permits, Approvals and Variances**

The Application shall also be accompanied by a list and copies of variances, permits, and other special permits previously issued by Town boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Board of Selectmen, the Conservation Commission, the Zoning Board of Appeals, the Mass. Highway Department, the Army Corp. of Engineers, and the Mass. Dept. of Environmental Protection, and Certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

**10.12 Contents and Scope of Application**

The contents and scope of the Application shall comply with the requirements of Article VII Site Plan Review of the Planning Board's Regulations except as otherwise required herein. In the case of a subdivision, the requirements of Articles IV-VI of the Board's Regulations apply.

**10.13 Timing of Construction**

If the project is to be built in phases, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. A proposed development construction schedule, as contained within the Appendix, indicating the timing and/or sequence of construction of affordable dwelling units and market rate units shall be provided.

**10.14 Architectural Plans**

Architectural Floor Plan must be shown for each floor of each building whether such building is existing or proposed. Each Floor Plan must identify the proposed use or uses to be conducted on the floor in question. Each Floor Plan must be dimensioned to show the net floor area.

**10.15 Unit Composition Table**

A table, as contained within the Appendix, showing the proposed building by type and size (number of bedrooms), total number of dwelling units, total number of affordable dwelling units (if any), total number of dwelling units for handicapped persons, percentages of the various uses and any other information that may be necessary to demonstrate compliance with the By-Law shall be provided.

**10.16 Restrictive Documents**

Draft restrictive documents shall be provided. These shall include deed restrictions and contractual agreements which restrict the affordable dwelling units to occupancy by low income or moderate income households at the time of the original sale or rental and at the time of a resale or re-rental, and any other restrictions and covenants designed to insure initial and long-term affordability of the affordable dwelling units, in accordance with the requirements of the By-Law. The Local Initiative Program Affordable Housing Deed Rider shall also be provided.

**10.17 Subsidy Arrangements**

A written statement identifying any source(s) and amount(s) of any proposed governmental subsidy arrangements shall be provided, if applicable.

**10.18 Selection Criteria**

The proposed methods of selecting purchasers and tenants of affordable dwelling units including the methodology for local preference as required by the By-Law shall be provided. Identify in detail the steps that will be taken to alert minorities to the Affordable Housing opportunities available in the project and identify the Affirmative Action goals for the project. Indicate who will oversee the process and how many units will be included in each preference category.

**10.19 Development Team Information**

Provide a list of the names, addresses and telephone numbers of each member of the development team, including but not limited to the names of the developer, builder/contractor, architect, engineer, attorney, marketing agent and consultants. Additional information including a full resume and references for completed projects which are similar to the project being proposed shall be provided for the developer and the builder/contractor.

**10.20 Fiscal Impact Analysis**

A completed Fiscal Impact Analysis of the proposed development as contained within the Appendix shall be provided.

**10.21 Withdrawal of Application**

Any Application for a Permit submitted hereunder may be withdrawn without prejudice by notice in writing to the Board prior to the notice of a public hearing being posted or mailed. Withdrawal of any Application thereafter requires Board approval. No refund of fees will be provided if an Application is withdrawn.

**10.22 Continuation & Extension**

The period within which final action shall be taken may be extended for a defined period by written agreement between the Board and the Applicant. In the event that the Board determines that the Application is inadequate for the Board to make a finding, the Board may, at its discretion, continue the hearing to a later date to permit the Applicant to submit a revised Application.

## Appendix A

### Timing of Construction

Complete the chart below by providing the appropriate month and year. If you plan to develop the project in one phase, complete only the first vertical column. If you plan to develop in two or three phases, complete the second and/or third columns as well. If you are developing a project with more than three phases, add additional columns representing the additional phases.

	Phase I	Phase 2	Phase 3	Total
Number of affordable units:				
Number of market units:				
Subtotal by Phase:				
All permits granted:				
Construction start:				
Marketing start - affordable units:				
Marketing start - market units:				
Construction completed on 1st phase:				
Initial occupancy:				

## Appendix B

### Unit Composition

If the project will be an ownership project, complete the chart below, include a separate entry for each unit type according to its square footage and/or sales price.

Type of Unit (Design)	# of Units	# of Bedrooms	Gross Sq. Ft.	Sales Prices	Homeowner's Association/ Condominium Fee	Unit Nos.
Affordable Units						
Market Units						
Other unit types (if applicable)						

#### Tax Rate

Local tax rate per thousand: \$\_\_\_\_\_

## Appendix C

### Fiscal Impact Analysis

FISCAL IMPACT ASSESSMENT for HOLLISTON, MASSACHUSETTS*		
<i>For Impacts due to Commercial Development please fill in the following information</i>		
1	Market Value of Proposed Commercial Development	
2	Commercial Assessment Ratio for Tax Purposes (source: MASSDOR 1998)	100.00%
3	Commercial Tax Rate per \$1,000 * (source: Holliston Treasurer)	\$_____
4	Total Tax Levy* (source: MASSDOR 1998)	\$_____.00
5	Other Misc. Revenue* (source: Holliston Treasurer)	\$_____.00
6	Appropriated Expenditures excluding schools* (source: Holliston Treasurer)	\$_____.00
7	Equalized Value of Commercial/Industrial Property* (source: Holliston Treasurer)	\$_____.00
8	Commercial share of Total Equalized Value*	_____%
9	Average Value of a home* (source: Holliston Assessors)	\$_____.00
10	Residential Tax Rate* (source: Holliston Treasurer)	\$_____.
11	Capital Improvements Costs (As a result of this project, will expanded or new capital improvements be required?)	
11a	The # of years over which costs will be spread	
11b	Finance Rate per Year (as a percent)	
11c	What percentage of capital costs is attributed to new development	
* figures should be updated annually		



<i>REVENUE from NEW COMMERCIAL DEVELOPMENT</i>		
<b>A.</b>	<b>Revenue from Property Tax on Development</b>	
A-1.	Market Value of Development	
multiplied by		
A-2.	Assessment Ratio	100.00%
A-3.	Actual Assessed Value (consult Holliston Assessors)	
multiplied by		
A-4.	Commercial Tax Rate /\$1000*	\$_____
A-5.	Estimated Property Tax Revenue	
<b>B.</b>	<b>Other Misc. Revenue</b>	
B-1.	Misc. Revenue* (source: Holliston Treasurer)	\$_____
multiplied by		
B-2.	Commercial Proportion of Equalized Value (source: Holliston Treasurer)	_____%
B-3.	Misc. Revenue from Commercial Use* (source: Holliston Treasurer)	\$_____
divided by		
B-4.	Equalized Value of all Commercial Property*(source: Holliston Treasurer)	\$_____
B-5.	Misc. Revenue per \$1 in value*	\$_____
multiplied by		
B-6.	Value of new development	
B-7.	Estimated Additional Misc. Revenue	
<b>C.</b>	<b>Total Direct Revenue from New Development</b>	
* figures should be updated annually		

<b>II</b>	<b>COSTS DUE to NEW COMMERCIAL DEVELOPMENT</b>	
<b>A.</b>	Service Costs Due to Development (Costs associated with Library, Health, Recreation, Police, Fire & Road <b>Maintenance</b> )	
A-1.	Town expenditures excluding Schools*(source: Holliston Treasurer)	\$ _____
multiplied by		
A-2.	Commercial portion of Equalized Value*	_____ %
A-3.	Service Costs due to Commercial use*(source: Holliston Treasurer)	\$ _____
divided by		
A-4.	Equalized Value of all Commercial Property*(source: Holliston Treasurer)	\$ _____
A-5.	Service Cost per \$1 in value*	\$ _____
multiplied by		
A-6.	Value of new development	
A-7.	Town Service Costs for Commercial Development	
<b>B</b>	Capital Improvements Cost due to Development	
B-1.	Total Costs due to Capital Improvements	
B-2.	The # of years that costs will be spread over	30
B-3.	Finance Rate per Year (as a percent)	
B-4.	Debt Service (principal + interest) per year	
B-5.	What is the percentage attributed to new development	
B-6.	Capital Improvement Costs due to Development	
<b>C</b>	Total Costs due to Development	
* figures should be updated annually		

<b>III</b>	<b>Net Fiscal Impact Resulting from Development</b>	
<b>A</b>	<b>Total Revenue from Commercial Development</b>	
<b>B</b>	<b>Total Costs due to Commercial Development</b>	
<b>C</b>	<b>Net Fiscal Impact per Year</b>	

<b>IV</b>	<b>Change in Tax Rates due to New Development</b>	
	(negative #s indicate a decrease in tax payments, thus a gain to homeowners)	
<b>A</b>	<b>Change in Town Tax Rate</b>	
A-1.	Total Tax Levy*	\$ _____
	divided by	
A-2.	Tax Rate / thousand*	\$ _____
A-3.	Amount affecting Tax Rate by one dollar *	\$ _____
A-4.	Net Fiscal Gain	
	divided by	
A-5.	Amount affecting Tax Rate by one dollar	\$ _____
A-6.	Decrease (Increase) in Tax Rate	
<b>B.</b>	<b>Impact on Average Home Owner</b>	
B-1.	Cost of Home*	\$ _____
B-2.	Tax Rate per 1000 <i>at Present</i> *	\$ _____
B-3.	Annual Tax Payment without Further Growth*	\$ _____
B-4.	Cost of Home*	\$ _____
B-5.	Tax Rate per 1000 after New Development*	\$ _____
B-6.	Annual Tax Payment after New Development*	
B-7.	Total Yearly Savings (Loss) after New Development	
	* figures should be updated annually	

<i>IN SUMMARY</i>		
A.	NET BENEFIT (LOSS) to the TOWN	
B.	DECREASE (INCREASE) in TAX RATE	
C.	TOTAL YEARLY SAVINGS (LOSS) to AVE. HOMEOWNER	