

TOWN OF HOPKINTON
ZONING BYLAW

ARTICLE XI
Flexible Community Development Bylaw
[Added 5-7-2007 ATM, Art. 30]

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§ 210-57. Purpose and Intent.

The purpose of this Article is to increase the inventory of affordable housing in Hopkinton. It is intended that the affordable housing units that result from this Article be considered as Local Initiative Program (LIP) units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development (DHCD) and that said units shall count toward the Town's requirements under G.L. c.40B sec. 20-23. Each affordable unit created in accordance with this Article shall have limitations governing its resale to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households.

§ 210-58. Applicability.

A. In all zoning districts, the inclusionary housing provisions of this section shall apply to the following uses, hereafter called the "development":

(1) 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, with the exception of Article XIII A, Village Housing Development projects; and

(2) Any division and/or subdivision of land held in common ownership as of the effective date of this Article, or anytime thereafter, into ten (10) or more dwelling units.

§ 210-59. Administration.

A development shall require the grant of a Special Permit from the Planning Board. A Special Permit shall be granted if the proposal meets the requirements of this Article. The Planning Board shall hold a public hearing in accordance with the requirements of MGL c.40A §9. If a development requires a special permit pursuant to Articles XIII, XVIA, or XVII of this Chapter, a separate special permit shall not be required. After the adoption of this Article, the Planning Board shall prepare, adopt and file with the Town Clerk Regulations which include submission requirements, timelines, procedures and provisions necessary to implement this Article, after holding a public hearing on the same.

¹Editor's Note: Former Art. XI, Historic District, added 4-9-1979 ATM, Art. 40, amended, was repealed 5-4-2004 ATM, Art. 32. For current provisions see Ch. 123, Historic District.

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§ 210-60. Mandatory Provision of Affordable Units.

- A. In each applicable development, one dwelling unit shall be established as an affordable housing unit for every ten (10) dwelling units in the development, in any one or combination of methods provided for below. For example, in a development of 10 to 19 units, 1 unit shall be affordable; in developments of 20 to 29 units, 2 units shall be affordable; and so on. The use of a combination of methods shall be approved by the Planning Board.
- (1) Constructed or rehabilitated on the development locus; or
 - (2) Constructed or rehabilitated on a locus different than the development; or
 - (3) An equivalent fees-in-lieu of payment may be made.
- B. For every affordable unit required, one additional market rate dwelling unit may be added to the total number of dwelling units in the development. For example, in a development of 20 units, two affordable units are required and the number of market rate units may be increased by two, for a total of 22 units.
- C. The Planning Board may allow a reduction in the dimensional requirements, including minimum lot area, frontage or setback requirements, applicable to the proposed development in order to accommodate the additional units on the site and to locate them within the areas most suitable for development. Such authorization for reduction shall be included in the special permit.

§ 210-61. Provisions Applicable to Affordable Housing Units On- and Off-Site.

- A. All affordable units created, constructed or rehabilitated under this Article 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. 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.
- C. Affordable housing units shall be provided coincident to the development of market-rate units.
- D. The deeds to the affordable housing units sold to income eligible buyers shall contain a restriction against renting or leasing of said unit(s) during the period for which the housing unit(s) contains a restriction on affordability.
- E. The applicant shall comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of an acceptable deed rider.
- F. The location of the off-site units to be provided shall be approved by the Planning Board, and shall be provided coincident to the development of the market-rate units or in accordance with an alternate schedule approved by the Planning Board. Exercise of this option shall not result in the destruction or demolition of existing structures, unless the Planning Board determines that: 1) such destruction or demolition is not detrimental to the neighborhood; and 2) where the proposed destruction or demolition of existing housing units is proposed, is consistent with the overall housing goals of the Town. When the Historic Preservation Bylaw (Chapter 125 of the Bylaws of the Town of Hopkinton)

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applies to the structure, the Planning Board shall consult with the Historical Commission before making a determination.

§ 210-62. Fees-in-Lieu-of Affordable Housing Unit Provision.

A. An applicant may contribute funds to the Town of Hopkinton Affordable Housing Trust Fund or Hopkinton Community Housing Task Force, Inc. (CHTF) 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.

- (1) Calculation of fee-in-lieu-of units. For each affordable unit not constructed or provided through one or a combination of the methods specified in this Article, the fee shall be an amount equal to the purchase price of a three-bedroom home that is affordable to a qualified affordable housing unit purchaser, as contained in the LIP guidelines.
- (2) Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to a schedule agreed upon by the Planning Board and the applicant.

§ 210-63. Conflict with Other Bylaws.

The provisions of this Article shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.