Proposed Community Housing Bylaw

March 2, 2024

The proposed Community Housing bylaw is intended to promote housing diversity and affordability in Whately so that residents have more housing choices. The bylaw allows many of the zoning waivers which are already available to developers under the state’s Chapter 40B statute, but preserves local oversight via special permit and site plan review. Developers can avoid the regulatory burden of a Chapter 40B development process while ensuring that the town retains the ability to ensure that a project is appropriate for the character of Whately’s neighborhoods and respectful of abutters.

Two amendments to the Town’s Zoning Bylaws are proposed:

1. Insert a new Community Housing Bylaw as ~171-24, renumbering subsequent paragraphs.
2. Amend ~171-8 Table of Use Regulations to insert the new Community Housing use.

# Text of the Community Housing Bylaw

The Planning Board proposes to insert the Community Housing bylaw into the Town Zoning Bylaws as section 171-24, immediately following 171-23 Congregate Elderly Housing. All subsequent sections are to be renumbered to allow for the insertion. (Thus the current 171-24.1 Flag Lots shall become 171-25.1, etc.)

**171-24 Community Housing (renumber subsequent paragraphs)**

The purpose of this section is to promote housing diversity and increase access to affordable residential housing within Whately while providing special permit oversight to ensure that the construction is appropriate for the site and the character of Whately’s neighborhoods subject to the following conditions:

1. A minimum of twenty-five percent (25%) of the units have long-term affordability requirements per the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) Subsidized Housing Inventory’s requirements recorded with the Registry of Deeds.
2. The dimensional, density and occupant limit requirements of ~171-9. C., ~171.10, ~171-20, and ~171-37 Accessory Apartments may be waived, although reducing the size of required setbacks is discouraged. No waiver of dimensional or density limit requirements is permitted in the Aquifer Protection Overlay District.
3. Up to four dwelling units may be allowed in a structure and more than one building may be permitted per lot.
4. There may be a maximum of twelve units.
5. Occupant limits may not exceed five inhabitants.
6. The layout must be designed to mitigate traffic issues.
7. Parking requirements, as specified in ~171-13(B)(1), may be reduced if it can be shown that adequate parking is available for the safety of residents, visitors, and any service vehicles.
8. Septic systems and water availability must be adequate for the proposed use.

# Amendment to ~171-8 – Table of Use Regulations

Insert in the Residential Use section of ~171-8. Table of Use Regulations:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Principal Use** | **Agriculture/****Residential 1** | **Agriculture/** **Residential 2** | **Commercial** | **Commercial****- Industrial** | **Industrial** |
| **Residential Use** |  |  |  |  |  |
| Community Housing (see ~171-24) | SP\* | SP\* | SP\* | N | N |

 SP: Permitted with a special permit from the Zoning Board of Appeals

 N: Not permitted

 \*: Site plan review required