

Zoning By-Law Review Committee Minutes April 2, 2013

Present: Patrick Doherty, Ted King, Shirley Smith and Bill McHenry, Mendon Affordable Housing Coordinator

The meeting was called to order at 7:03 PM. The committee reviewed the minutes from March 22, 2013. Patrick made a motion to accept the minutes. Ted seconded the motion. All were in favor and the motion passed.

Accessory Dwelling Unit By-Law

The committee reviewed two of the by-laws to be presented to the Planning Board on Monday, April 8th. Shirley gave a brief history of the first by-law and related how the Assistant Assessor, Jean Berthold, had requested such a by-law back in 2007. She said some people were circumventing the by-law by installing units in single family houses on 60,000 sq. ft. lots and calling them two family houses. In addition, she informed the committee that there were no enforceable regulations on the size, number of rooms, number of occupants or exterior changes to the structure.

The committee did write the by-law but the selectmen said they would like to see the inclusion of an affordable component. At this point, the committee learned that this would require the services of a Local Project Administrator. It was only when the Town hired Bill McHenry, who agreed to perform this function, that the inclusion of an affordable component became a realistic possibility.

Bill explained to the committee how he would supervise the units do whatever paperwork was necessary to ensure affordability. He also answered several questions that members had in relation to affordable housing.

Inclusionary By-Law

Shirley stressed the importance of this by-law. It provides a mechanism to keep new developments from continually expanding our housing stock and thus causing our mandated 10% affordable housing goal to become a moving target. Without such a by-law, there is no way the Town could ever catch up.

The committee touched on the negative perceptions of affordable housing that may be held by some members of the community. Bill pointed out that education of the public in preparation for Town Meeting should include the fact that affordable housing units are available to households at or below 80% of the median household income and the median household income for the Town of Mendon is \$107,000.

Affordable Housing Trust

Bill McHenry had been working with Anne Mazar and Shirley to write a General By-Law for an Affordable Housing Trust. This would give developers the option of paying fees-in-lieu of affordable housing units that would be deposited in the Trust. However, this option would be

referenced in the Inclusionary By-Law and give members of the Trust the authority to spend the funds without a Town Meeting vote. Even though the funds had to be spent on affordable housing, a number of residents had expressed concern. Since it did not appear that voters would accept the by-law, Shirley had found an acceptable alternative in the Town of Boylston and worked with the Town Treasurer and Accountant to adapt it to Mendon. She read that version to committee members:

Funds may be donated to the Town in accordance with the provisions outlined in M.G.L., Chapter 44, Section 53A. These funds shall be restricted solely for the creation of affordable housing located in the Town of Mendon and as defined by this By-Law. The funds shall be kept in a separate account by the Town Treasurer. The Town Treasurer shall deposit the funds in a bank or invest the same in securities as are legal under the law of the Commonwealth of Massachusetts. Any interest earned shall be credited to and become part of the fund. Any moneys conveyed in accordance with this Section shall be expended only with approval of the majority of the Board of Selectmen in an open meeting.

This would give the developer the option of making the fees-in lieu of payments along with public oversight of expenditures.

Patrick made a motion to adjourn the meeting. Ted seconded the motion and the meeting was adjourned at 8:48 P.M.

Respectfully submitted,
Shirley Smith