

- THE COMMONWEALTH OF MASSACHUSETTS
- WORCESTER SS.

TO EITHER OF THE CONSTABLES OF THE TOWN OF MENDON
IN THE COUNTY OF WORCESTER GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS YOU are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Miscoe Hill School** in said MENDON on the **thirteenth** day of **May** next, at 7:00 o'clock in the fore noon, then and there to act on the following articles:

ARTICLE 1

To bring in their ballots for the following Town Officers:

- One (1) Moderator for one (1) year
- One (1) Selectman for three (3) years
- One (1) Board of Health member for three (3) years
- One (1) Assessor for three (3) years
- One (1) Park Commissioner for three (3) years
- One (1) Water Commissioner for three (3) years
- One (1) Taft Public Library Trustee for three (3) years
- One (1) Taft Public Library Trustee for three (3) years
- One (1) Mendon-Upton Regional School Committee member for three (3) years
- One (1) Planning Board member for five (5) years
- One (1) Housing Authority member for five (5) years
- One (1) Highway Surveyor for three (3) years

Question 1 – Shall the Town of Mendon be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay its share of the bond issued by the Blackstone Valley Vocational Regional School District for the purpose of paying costs of adding to, equipping, reconstructing, and making extraordinary repairs to the regional school, including all costs incidental and related thereto?

Yes_____ No_____

The Polls Will Open at 7:00am and Close at 8:00pm

ARTICLE 2 AND ALL FOLLOWING ARTICLES ON THIS WARRANT
WILL BE ACTED UPON FRIDAY THE 2ND DAY OF MAY, 2014 A.D. AT
7:00 PM AT THE MISCOE HILL SCHOOL IN MENDON;

- ARTICLE 2
(Fin Com)

To see if the Town will vote that any motion or amendment to increase any monetary articles or line items as proposed by the Finance Committee, presented at this Town Meeting shall be OUT OF ORDER unless such motion, or amendment, states the source of funding as being from available free cash, or the line item or article that will be reduced by the same amount; or take any action in relation thereto.
- ARTICLE 3
(Fin Com)

To fix the salaries and compensations of the elected officials of the Town.
- ARTICLE 4
(Fin Com)

To determine what sums of money the Town will raise and appropriate and or transfer to defray charges and expenses of the Town including debt and interest and to provide for a reserve fund for the ensuing year, or take any action in relation thereto.
- ARTICLE 5
(Fin Com)

To see if the Town will vote to appropriate funds provided to the Town by the State under Chapter 90 type money and such other funds as the Commonwealth of Massachusetts Highway Department may provide and to authorize the Board of Selectmen to enter into contracts with the Massachusetts Highway Department for Chapter 90 type money allocated the Town, or take any action in relation thereto.
- ARTICLE 6
(Fin Com)

To see if the Town will vote to raise and appropriate and or transfer from available sources a sum of money to fund the FY 15 portion of the Update Valuation Account, or take any action in relation thereto.
- ARTICLE 7
(Library)

To see if the Town will vote to establish a revolving fund as recommended by the Board of Selectmen for the Taft Public Library in accordance with M.G.L. Chapter 44, Section 53E 1/2. The purpose of this fund shall be to replace items lost or damaged by those who borrow materials and to purchase new materials. Receipts to this fund shall be monies paid by borrowers for lost or damaged materials and for overdue fines. The Library Director, with the approval of the Library Board of Trustees, shall be authorized

to expend from this fund but at no time exceeding more than the available balance in the revolving fund nor to expend more than six thousand dollars per year.

**ARTICLE 8
(Planning
Board)**

To see if the Town will vote to establish a revolving fund as recommended by the Board of Selectmen for the Planning Board in accordance with M.G.L. Chapter 44, Section 53E 1/2. The purpose of this fund shall be to hold deposits made by applicants before the Planning Board for engineering and other applicable fees incurred by the Planning Board for processing the requests of said applicants. The Planning Board Chair, with the approval of the Planning Board, shall be authorized to expend from this fund but at no time exceeding more than the available balance in the revolving fund nor to expend more than thirty thousand dollars per year.

**ARTICLE 9
(Highway)**

To see if the Town will vote to establish a revolving fund as recommended by the Board of Selectmen for the Highway Department in accordance with M.G.L. Chapter 44, Section 53E 1/2. The purpose of this fund shall be to hold all monies related to recycling materials including, but not limited to, metal, tires, light bulbs, batteries, etc. collected at the recycling center located at the Highway Department to maintain and improve the recycling facility. The Highway Surveyor, with approval of the Board of Selectmen, shall be authorized to expend from this fund but at no time exceeding more than the available balance in the revolving fund nor to expend more than twenty-five thousand dollars per year.

**ARTICLE 10
(Con Com)**

To see if the Town will vote to establish a revolving fund as recommended by the Board of Selectmen for the Conservation Commission in accordance with M.G.L. Chapter 44, Section 53E 1/2. The purpose of this fund shall be to hold deposits made by applicants before the Conservation Commission for engineering and other applicable fees incurred by the Planning Board for processing the requests of said applicants. The Conservation Commission Chair, with approval of the Conservation Commission, shall be authorized to expend from this fund but at no time exceeding more than the available balance in the revolving fund nor to expend more than twenty-five thousand dollars per year.

**ARTICLE 11
(Fin Com)**

To see if the Town will vote to raise and appropriate and or transfer a sum of money from available sources for Police Department State/Federal General Matching Grants, or take any action in relation thereto.

**ARTICLE 12
(Land Use)**

To see if the town will approve the Mendon Land Use Committee's Five Year Land Use Plan, copies of which are available in the Town Clerk's office, the Taft Public Library and at the town website.

**ARTICLE 13
(Fin Com)**

To see if the Town will vote to raise and appropriate and or transfer a sum of money from available funds to pay the yearly rental cost of the temporary trailer for Public Safety usage, or take any action in relation thereto.

**ARTICLE 14
(CPC)**

To see if the Town will vote to transfer a sum of money from the Community Preservation Budgeted Reserve Account to fund a portion of the FY 15 Fino Land Debt; or take any action in relation thereto.

**ARTICLE 15
(CPC)**

To see if the town will vote to transfer a sum of money not to exceed \$20,000 from the Community Preservation Affordable Housing Account to renew the position of the part-time Affordable Housing Coordinator.

**ARTICLE 16
(CPC)**

To see if the town will vote to transfer a sum of money not to exceed \$23,775 from the Community Preservation Budgeted Reserve Account to fund the Sport Court NE Guardian System for a new basketball court and hoops at Memorial Field; or act or do anything in relation thereto.

**ARTICLE 17
(CPC)**

To see if the town will vote to transfer a sum of money not to exceed \$390,000 from the Community Preservation Budgeted Reserve Account and see if the town will vote to raise and appropriate and/or transfer a sum of money not to exceed \$10,000 from available funds to purchase the 70+/- acre Paddock/D'Alessandro Property located at 52 Providence Street in Mendon, Worcester District Registry of Deeds, Book 30072, page 56, to use for future senior center expansion, sports fields, affordable housing and/or open space or act or do anything in relation thereto.

**ARTICLE 18
(CPC)**

To see if the town will vote to transfer a sum of money not to exceed \$850 from the Community Preservation Historical Account to fund the Town Hall wall replacement; or act or do anything in relation thereto.

ARTICLE 19

To see if the town will vote to transfer a sum of money not to exceed \$13,500 from

(CPC) the Community Preservation Historical Preservation Account to restore the Town Hall hard wood floors; or act or do anything in relation thereto.

**ARTICLE 20
(CPC/ADA
Coordinator)** To see if the Town will vote to transfer a sum of money from the Community Preservation Budgeted Reserve Account to fund American with Disability Act-related improvements at the Town Beach, the Memorial Field complex and the Colonial Drive soccer field; or act or do anything in relation thereto.

**ARTICLE 21
(CPC/ADA
Coordinator)** To see if the Town will vote to transfer a sum of money from the Community Preservation Historical Preservation Account to fund Americans with Disabilities Act-related improvements at the Town Hall; or act or do anything in relation thereto.

**ARTICLE 22
(CPC/ADA
Coordinator)** To see if the Town will vote to transfer a sum of money from the Community Preservation Historical Preservation Account to fund repairs to the ramp and associated parking area located on the right side of Town Hall; or act or do anything in relation thereto.

**ARTICLE 23
(BOS)** To see if the Town of Mendon will vote to deem up to approximately 10 acres located south of the existing transmission easement, of the property located at 36 Milford St, which is shown as Parcel 36 on Mendon Assessors’ Map 9, available for disposition, and to authorize the Mendon Board of Selectmen to lease up to another ten (10) acres of said available land, the exact location of which shall be determined by the Selectmen, to SunDurance, LLC, or any other party, for the development of a solar generation facility, on terms and conditions consistent with a proposal submitted in accordance with Chapter 30B of the Massachusetts General Laws, and as otherwise determined by the Mendon Board of Selectmen, for a period of up to thirty (30) years; or act or do anything in relation thereto.

**ARTICLE 24
(Fin Com)** That the Town approve the total \$2.9 million debt authorized by the Blackstone Valley Vocational Regional School District Committee on April 17, 2014, for costs of adding to, equipping, reconstructing and making extraordinary repairs to the regional school, including all costs incidental and related thereto, with the Town’s apportioned share of debt payments computed in accordance with the Regional Agreement and commencing in fiscal year 2016. The approval of this debt shall be contingent upon a vote of the Town to exclude the Town’s allocable share of this debt from the limitations of Chapter 59, Section 21C of the General Laws, also known as Proposition 2 ½; or act or do anything in relation thereto.

**ARTICLE 25
(Town Clerk)** To see if the Town will vote to change the Mendon Bylaws, Chapter II, Section 4 from:
Section 4. Notices of all Town Meetings shall be given by posting an attested copy of the warrant for such meeting in three (3) or more public places in the Town of Mendon at least fourteen (14) days before said meeting; one copy thereof shall be posted on the Town Hall Building. Copies of all town meeting warrants shall also be delivered by hand or other means to every household at least 3 (three) days before said meeting.

To: Section 4. Notices of all Town Meetings shall be given by posting an attested copy of the warrant for such meeting in three (3) or more public places in the Town of Mendon and on the Town of Mendon Website at least fourteen (14) days before said meeting Copies of all town meeting warrants shall also be delivered by hand or other means to every household; or take any action in relation thereto.

**ARTICLE 26
(Zoning By-Law Review)** To see if the Town will vote to amend the Mendon General By-Laws by deleting Dog Laws, Section 7, Chapter XI, Special Provisions, in its entirety and replacing it with the following:

Section 7. Animal Control By-Law

Section 7.1. Purpose

The purpose of this By-Law is to achieve the objectives of the animal control enabling legislation, as amended, contained in Chapter 140, Sections 137-174E, of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Mendon, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this By-Law.

Section 7.2. Applicability

This By-Law shall apply to all dogs owned by or kept by residents of the Town of Mendon: all dogs harbored or kept in the Town of Mendon, and all dogs physically within the Town of Mendon, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Mendon who bring or harbor one or more dogs within the Town of Mendon.

Section 8. Definitions

8.1 Animal Control Officer. An appointed officer authorized to enforce sections 136A to 174E, inclusive.

8.2 At Large. A dog off the premises of its owner or keeper and not under the control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or being a public nuisance.

8.3 Attack. Aggressive physical contact initiated by an animal.

8.4 Commercial boarding or training kennel. An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Laws Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

8.5 Dangerous dog. A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

8.6 Hearing authority. The Board of Selectmen of the Town of Mendon.

8.7 Keeper. A person, business, corporation, entity or society, other than the owner, having possession of a dog.

8.8 Kennel. A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

8.9 Licensing authority. The clerk of any municipality.

8.10 Livestock or fowl. A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that “livestock or fowl” shall not include a dog, cat or other pet.

8.11 Nuisance dog. A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one’s quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

8.12 Personal kennel. a pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Section 9. Licensing.

9.1 All dogs shall be licensed, except as otherwise provided in this By-Law. The owner or keeper of a dog over the age of six (6) months shall obtain a license for the dog pursuant to Chapter 140, Section 137 of the Massachusetts General Laws. Any owner or keeper of a dog over six (6) months of age shall, by April 1st of each year, cause the dog

to be registered, numbered, described and licensed with the Town Clerk in accordance with Massachusetts General Laws, Chapter 140, Section 139 as amended.

9.2 The annual fee for every dog license except as otherwise provided by law shall be ten dollars (\$10.00) for a male or female dog, unless a certificate of a registered veterinarian who performed the operation that such dog has been spayed or neutered and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be six dollars (\$6.00). A certified copy of such certificate of spaying or neutering on file in the office of any city or town clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion, has been spayed or neutered and thereby deprived of the power of propagation.

9.3 A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated for rabies, certification that such dog is exempt from the rabies vaccination requirement under Massachusetts General Laws Chapter 140, Section 145B, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.

9.4 The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

9.5 No license fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act. No fee shall be charged for a license for a dog owned by a person aged seventy (70) years or over.

9.6 No dog license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog.

9.7 Should any owner or keeper of a dog fail to license his/her dog before May 1st, the owner shall pay a late fee of six dollars (\$6.00). The owner of any dog impounded because of failure to license according to this By-Law, may claim such dog upon the reimbursement to the Animal Control Officer of the expense incurred for maintaining such dog according to the following fee schedule:

- a. Payment of any Kennel charges incurred for the period of the dog's impoundment.
- b. Twenty-five (\$25) for initial handling and pick-up of the dog.
Prior to its release, the owner of said dog shall obtain a license from the Town Clerk.

9.8 The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law.

9.9 Every person maintaining a kennel shall obtain a kennel license in accordance with M.G.L. Chapter 140, Section 137A.

9.10 The fee for every kennel license shall, except as otherwise provided, be thirty dollars (\$30.00) for four (4) dogs or less, forty dollars (\$40.00) for ten (10) dogs or less, and fifty dollars (\$50.00) for more than ten (10) dogs. An owner or keeper of a Personal Kennel may elect to secure a kennel license in lieu of licensing each individual dog.

9.11 In the case of an applicant for initial licensure, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

9.12 Whoever violates M.G.L. Chapter 140, section 137, 137A, 137 B or 138 shall be assessed a penalty of not less than fifty dollars (\$50.00).

9.13 Any funds collected pursuant to the provisions of this by-law, shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 10. Public Nuisance

10.1 No person shall own or keep in the Town any dog which by biting, excessive barking, howling, or being at large or in any other manner becomes a public nuisance. Any unspayed female dog in season shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinarian hospital or registered clinic. No person owning or keeping a dog shall permit such dog to be at large, loose or unattended in any street or public place or allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of such premises.

Section 11. Complaint of Nuisance

11.1 If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within the Town is a nuisance dog or is dangerous dog, the Animal Control Officer shall investigate such complaint and submit written report to the Board of Selectmen, acting as the hearing authority, of his findings and recommendations, together with the written complaint.

11.2 The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to allow the Board of Selectmen to issue their order following receipt of the report of the Animal Control Officer.

11.3 Any dog may be restrained or muzzled pursuant to an interim order of the Animal Control Officer for any of the following reasons:

- a. For having bitten any person.
- b. If found at large while an order for restraint of such dog is in effect.
- c. If found in a school, schoolyard or public recreation area.
- d. For having killed or maimed or otherwise damaged any other domesticated animal.
- e. For chasing any vehicle upon a public way or way open to public travel in the Town.
- f. For any violation of this section relating to dogs.

Upon restraining or muzzling, or issuing any order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen a report of his action and the reasons therefore. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period, the interim order shall be automatically vacated.

11.4 Such investigation shall include notice to the owner and a hearing with an examination under oath of the complainant to determine whether the dog is a nuisance or is a dangerous dog.

Based on the credible evidence and testimony presented at the public hearing, the Board of Selectmen shall, if the dog is complained of as a nuisance dog, either: 1. Dismiss the complaint; or 2. Deem such dog a nuisance dog. Or, if the dog is complained of as being a dangerous dog, either: 1. Dismiss the complaint; 2. Deem the dog is a nuisance dog; or 3. Deem such dog a dangerous dog. If the Board of Selectmen deem a dog as a nuisance dog or a dangerous dog, the Board of Selectmen may order remedial action in accordance with Massachusetts General Laws Chapter 140, Section 157.

Section 12. In accordance with the requirements of M.G.L. Section 174E, no person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours.

Section 13. Penalty

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this chapter shall be punished by a fine of fifty dollars (\$50.00), with a right to appeal to the District Court pursuant to M.G.L. Chapter 140, Section 157.

Section 14. Penalty-Violations of Article

Whoever violates any provision of this By-Law may be penalized by a noncriminal disposition as provided in M.G.L. Chapter 40, Section 21D. For the purposes of this By-Law, the Animal Control Officer and all Mendon Police Officers, shall be designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

First Offense.....\$10.00
Second Offense.....\$25.00

Each Subsequent Offense.....\$50.00
The issuance of a penalty or non-criminal disposition shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this By-Law.

Section 15. Severability
Should any portion, section or provision of this By-Law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this By-Law; or act or do anything in relation thereto.

ARTICLE 27 (BOS) To see if the Town will vote to amend the Mendon General By-Laws Chapter XI, Section 11 by deleting reference to "Massachusetts General Law, Chapter 148, Section 38A" and replacing it with "in accordance with Massachusetts General Law Chapter 210, Section 1 (or its successor provision)" ; or act or do anything in relation thereto.

ARTICLE 28 (Planning Board) To see if the Town will vote to amend the Mendon Zoning By-Law by adding Section 3.05, Inclusionary By-Law to Article III, Use Regulations; or act or do anything in relation thereto.
Section 3.05 Inclusionary By-Law

- (a)Purpose and Intent
- (i) To increase the inventory of affordable housing in the Town of Mendon that is permanently available to low and moderate income households;
 - (ii) To encourage a diversity of housing types in Mendon to meet the needs of low and moderate income households;
 - (iii) To produce housing units eligible for listing as Local Initiative Units that will count toward Mendon’s mandated 10% affordable units on the Department of Housing and Community Development Subsidized Housing Inventory;
 - (iv) To assist the Town in creating units eligible for the Subsidized Housing Inventory through means other than an M.G.L. Chapter 40B comprehensive permit that allows developers to bypass zoning by-laws;
 - (v) To provide a mechanism to offset the decreases in the Town’s percentage of affordable housing stock that is directly caused by increases in the Town’s overall housing stock;
 - (vi) To provide more opportunities to allow Town of Mendon residents to remain in the community; and also
 - (vii) To provide for more opportunities to allow Town of Mendon employees to live in the community.

- (b)Definitions
- (i) Affordable Housing Restriction. A regulatory agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Mendon and consistent with the Massachusetts Department of Housing and Community Development (DHCD) guidelines, that effectively restricts occupancy of an Affordable Housing Unit to a Qualified Affordable Housing Unit purchaser or tenant and establishes an owner’s obligations to ensure that the affordability of a unit is preserved in perpetuity. An Affordable Housing Restriction shall run with the land or Dwelling Unit in perpetuity from the time of a unit’s initial occupancy, so as to be binding on and enforceable against any person claiming an interest in the property. An Affordable Housing Restriction shall be enforceable under the provisions of M.G.L. Chapter 184, Section 32, and shall be approved by DHCD.
 - (ii) Affordable Housing Unit. A Dwelling Unit available at a cost of no more than 30% of gross household income of households at or below 80% of the Worcester County median income, as reported by the U.S. Department of Urban Development, including units listed under M.G.L. c. 40B, Sections 20-24 and the Commonwealth’s Local Initiative Program.
 - (iii) Deed Rider. A document attached to and recorded with the property deed on file at the Worcester County Registry of Deeds. The Local Initiative Program Deed Rider restricts the use and resale of an Affordable Housing Unit that includes provision for the satisfaction of the requirements in 760 CMR 45.03.
 - (iv) Dwelling Unit. A Dwelling Unit is a single family house, each unit in a duplex, or any apartment unit.
 - (v) Equivalent Affordable Housing Unit Value. An amount equal to the difference between the median sale price for market rate single family homes sold in Mendon during the thirty-six (36) months preceding the date of application, as determined by the Mendon Board of Assessors based on deeds recorded at the Worcester Registry of

Deeds and the purchase price of a home that is affordable to a qualified purchaser as determined by DHCD, assuming a household size of four, or one person per bedroom plus one additional person with the number of bedrooms being the average number in the development, whichever is less. For developments other than single or two family detached structures, the Planning Board may substitute the median sale price of the applicable type of market rate Dwelling Unit for the median sale price of single family homes in the preceding formula.

- (vi) Life Care Facility Development. A Continuing Care Retirement Community Facility or Assisted Living Facility, providing living accommodations for persons in need of medical care and services.
- (vii) Local Initiative Program. A program administered by DHCD to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations and which may be amended from time to time.
- (viii) Subsidized Housing Inventory. This is the official DHCD list of units, by municipality, that count toward a community's mandated 10% affordable goal as prescribed by Chapter 40B, the comprehensive permit law.
- (ix) Qualified Affordable Housing Unit Purchaser or Tenant. An individual or family with household incomes that do not exceed 80% of the Worcester County area median income with adjustments for household size as reported by the Local Initiative Program.

(c) Applicability

- (i) The inclusionary housing provisions of this By-Law shall apply to the following:
 - 1) Division of Land: The division of land into six (6) or more lots under M.G.L. Chapter 41 (the Subdivision Control Act), Sections 81L and 81U for conventional or grid subdivisions and including those divisions of land that do not require subdivision approval;
 - 2) Multiple Units: Any single family or two family residential development that results in the construction of 6 or more Dwelling Units whether by new construction or by alteration, expansion, or reconstruction, whether on one or more contiguous parcels;
 - 3) Apartments: Any rental apartment development that results in the construction of four (4) or more Dwelling Units, whether by new construction or by alteration;
 - 4) Mixed Use: Any mixed use that results in two (2) or more residential units above the non- residential space; and shall also include
 - 5) Any Department of Developmental Services or other Life Care Facility Development that includes ten (10) or more adult assisted living units and accompanying services.
- (ii) The construction of a residential single or two family development may not be segmented to avoid compliance with these provisions. Segmentation shall mean one or more divisions of land that cumulatively result in an increase of 6 or more lots above the number existing thirty-six (36) months earlier on any parcel or set of contiguous parcels that were in common ownership on or after the effective date of the adoption of this section by Town Meeting.
- (iii) Types of Affordable Housing Units: Affordable housing units may be of the following types:
 - 1) Single family dwellings
 - 2) Duplexes
 - 3) Other types of Dwelling Units such as apartments and mixed use as may be allowed in the future and approved pursuant to the Mendon Zoning By-Law.

(d) Open Space Communities

Each Open Space Community is unique and, in the case that the inclusion of affordable housing may not be feasible in a particular Open Space Community development, the Mendon Planning Board, in its sole discretion, may exempt an Open Space Communities development as defined in Section 3.04 of the Mendon Zoning By-Law, from the provisions of this Section 3.05. Should the Planning Board find that it is feasible to include Affordable Housing Units in an Open Space Community development, they may increase the density bonus from .5 to 1 market rate unit for each affordable unit.

(e) Special Permit

The development of any project set forth in Section 3.05 (c) above 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 By-Law.

(f)Mandatory Provision of Affordable Units

- (i) In each development project, subject to the provisions of (c) (i) 1)-3) above, at least ten percent (10%) of the lots or dwelling units shall be established as affordable housing units. In the case of rental units, twenty-five percent (25%) of the units shall be established as affordable.
- (ii) In the instance of when the provision of affordable lots or units produces a requirement for a percentage of an affordable lot or unit, the percentage shall be rounded up to the next whole number.

(g) Density Bonus

- (i) For every Affordable single family or duplex Unit required, a .5 additional market rate unit may be added to the total number of dwelling units in the development. For example, if two affordable housing units are required, an additional one market rate unit may be constructed. In the instance when a density bonus allows for a percentage of a market rate unit, the percentage shall be rounded up to the next whole number. If the density bonus provides for +1.5 market rate units, the actual number of bonus market rate units is rounded up from 1.5 to 2. See Fig.1.
- (ii) To facilitate meeting the above objective, the Planning Board may have the authority to reduce the minimum dimensional requirements, including minimum lot area, frontage or setback requirements. Such authorization for reduction shall be included in the special permit.
- (iii) Where the Planning Board allows such density increase, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with M.G.L. Chapter 40A, Section 9 and this By-Law.
- (iv) In the case where a project requires Subdivision Approval under the Subdivision Rules and Regulations, strict compliance with these rules may be waived if the Planning 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 this By-Law.
- (v) In the case of apartment and mixed use units, there shall be no density increase allowed. However, affordable apartment or mixed use units may have less gross floor area, which shall be reflected in the tax assessment, than the market rate units as long as the units meet the requirements under M.G.L. Chapter 40B, Sections 20-23, its regulations, or any amendments thereto, and are consistent with all other provisions herein. The provisions in (j) (ii) and (j) (iii) of this By-Law shall also apply.

(h)Voluntary Affordable Housing Bonus

A new housing development that is not subject to the provisions of paragraph (c), but provides the minimum affordable housing requirements specified in paragraph (f), may apply for a special permit and receive the same density bonus as specified in paragraph (g).

(i) Methods of Providing Affordable Housing Units

The Planning Board, in its discretion, may approve one or more of the following methods, or any combination thereof, for the provision of Affordable Housing Units for a development that is subject to paragraph (c) (i) 1)-3), provided that in no event shall the total number or value of affordable housing units, land area, or cash payments provided be less than the equivalent number or value of affordable units required by paragraph (f):

- (i) On-Site: The Affordable Housing Units may be constructed or rehabilitated on the locus of the development.
- (ii) Off-Site: Affordable Housing Units may be provided on a locus different than that of the development. The Planning Board may allow a developer of non- rental units to develop, construct or otherwise provide affordable housing units equivalent to those required by this By-Law in an off-site location(s) in the Town of Mendon, provided that the applicant demonstrates to the satisfaction of the Planning Board that the alternative location(s) meets the needs of the Town with respect to the provision of affordable housing. All requirements that apply to on-site provision of affordable housing units shall apply to the provision of off-site affordable housing units.
- (iii) Developers may make a cash payment to the Town in accordance with the provisions outlined in M. G. L., Chapter 44, Section 53 A. Developers shall designate in writing that said cash payments 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.

- (iv) The payment shall be an amount equal to the number of affordable units required by paragraph (f) multiplied by the calculated Equivalent Affordable Housing Unit value for that development.
- (v) Payments shall be made in full and in advance of construction.
- (vi) An applicant may offer, and the Planning Board may accept, donations of land in fee simple, on or off-site, that the Planning Board in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw/ordinance, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

The applicant may offer, and the SPGA may accept, any combination of the above stated requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw/ordinance.

(j)Provisions Applicable to Affordable Housing Units On- and Off-Site

- (i) All requirements of this paragraph that apply to on-site provision of Affordable Housing Units shall apply to the provision of off- site Affordable Housing Units.
- (ii) Affordable Housing Units shall be integrated with the rest of the development and shall be indistinguishable from Market Rate Units in exterior building materials, design, plumbing, insulation, windows, and heating and cooling systems as determined by the Building Inspector.
- (iii) Affordable Units may differ from Market Rate Units in type of appliances and interior finishes. However, the Affordable Units shall be comparable to the base Market Rate Units in such instances.
- (iv) Affordable Housing Units shall be provided coincident to the development of market rate units in accordance with the following schedule and
- (v) Off-site units shall also be provided coincident to the development of the market rate units or in accordance with the following schedule:

MARKET RATE UNIT	AFFORDABLE HOUSING UNIT
%	%
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

- (vi) 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, it is consistent with the overall housing goals of the Town. Where the Demolition Delay By-Law, Chapter XXIV of the Town of Mendon By-Laws applies to the structure, the Planning Board shall consult with the Mendon Historical Commission before making a determination.

(k)Local Preference

- (i) To the extent practicable, Mendon residents over the age of 55, residents whose spouse, son, daughter, father, mother, brother, sister, grandfather or grandmother lives in Mendon, or Town of Mendon municipal or school department employees, shall be given local preference for the maximum number of the Affordable Dwelling Units created in any development subject to this By-Law that is permitted under DHCD Guidelines (currently 70%). The Mendon Housing Coordinator will assist applicants in navigating the affordability requirements.
- (ii) These restrictions shall remain enforce for a period of four (4) months from the date of the first offering of the sale or rental of a particular

Affordable Housing Unit to the public. The Town of Mendon or its designee, or the developer, as applicable, shall make a diligent effort to locate eligible purchasers and/or renters who meet the above requirements as well as the applicable income requirements.

(l)Marketing Plan for Affordable Housing Units

The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan submitted by the applicant and approved by the Planning Board after consultation with the Mendon Affordable Housing Coordinator. The duration and design of the marketing plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units. The marketing plan shall include a description of the lottery for selecting buyers or tenants. The marketing plan must describe how the applicant will accommodate local preference requirements in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the program qualifying dwelling units for inclusion on the Subsidized Housing Inventory.

(m)Maximum Incomes and Selling Prices for Initial Sale

- (i) To ensure that only eligible households purchase Affordable Housing Units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state income tax returns. The purchaser shall certify in writing prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty days following transfer of title, to the local housing trust, housing authority or other agency as established by the town, that his/her or their family's annual income level does not exceed the maximum level as established by DHCD and as may be revised from time to time.
- (ii) The maximum housing costs for Affordable Housing Units created under this By-Law is as established by DHCD, the Local Initiative Program, or as revised by the Town of Mendon.

(n)Affordable Housing Restriction; Preservation of Affordability

- (i) All Affordable Housing Units shall be subject to an Affordable Housing Restriction in a form acceptable to the Planning Board. The Affordable Housing restriction shall be consistent with any applicable guidelines issued by DHCD and shall ensure that the affordable units be counted toward the Town of Mendon's Subsidized Housing Inventory.
- (ii) The Affordable Housing Restriction shall also include limitations governing the resale of each affordable unit created in accordance with this By-Law. The purpose of these limitations is to preserve the long term affordability of the unit and to ensure continued availability for low and moderate income households. The resale controls shall be established through the restriction on the property and shall be in force in perpetuity.
- (ii) Resale price: sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in paragraph (l) (i) above.
- (iii) Right of first refusal to purchase: The purchaser of an Affordable Housing Unit developed as a result of this By-Law shall agree to execute a Deed Rider prepared by the Town, consistent with model riders prepared by DHCD, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located. The Building Inspector shall not issue an occupancy permit for any affordable unit until the Deed Rider, the Affordable Housing Restriction and the Special Permit are recorded at the Worcester County Registry of Deeds.

(o)Enforcement

- (i) All contractual agreements with the Town and other documents necessary to ensure compliance with this By-Law shall be executed prior to and as a condition of the issuance of any approval to commence instruction.
- (ii) No Certificate of Occupancy shall be issued to more than 50% of the market rate units until 100% of the affordable units required to be constructed have obtained a Certificate of Occupancy.
- (iv) The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, which are in violation of this By-Law.

(p)Conflict with Other Bylaws
The provisions of this By-Law shall be considered supplemental of existing Zoning By-Law. To the extent that a conflict exists between this By-Law and others, the more restrictive By-Law, or provisions therein, shall apply.

(q)Severability
If any provision of this By-Law is held invalid by a court of competent jurisdiction, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or parts of any section or sections of this by-law shall not affect the validity of the remainder of the Town of Mendon’s Zoning By-Law.

FIGURE 1 - The Chart Below is for informational purposes only and pertains to affordable housing units constructed on-site only.

A	B	C	D	E
Net increase in Number of Lots or Dwelling Units	Required # of Affordable Dwelling Units to be Provided Based on 10% of A (rounded up)	# of Additional Market Rate Units Allowed as a Density Bonus Based on +.5 market rate unit for every 1 required affordable unit (rounded up)	Total # of Market Rate and Affordable Dwelling Units (A + C)	Overall Affordable % Achieved Based on the number of affordable units as a % of the total # of units (B/D)
6	.6 rounds up to 1	+.5 rounds up to 1	7	14.3%
7	.7 rounds up to 1	+.5 rounds up to 1	8	12.5%
8	.8 rounds up to 1	+.5 rounds up to 1	9	11.1%
9	.9 rounds up to 1	+.5 rounds up to 1	10	10%
10	1	+1	11	9.1%
11	1.1 rounds up to 2	+1	12	16.7%
12	1.2 rounds up to 2	+1	13	15.4%
13	1.3 rounds up to 2	+1	14	14.3%
14	1.4 rounds up to 2	+1	15	13.3%
15	1.5 rounds up to 2	+1	16	12.5%
16	1.6 rounds up to 2	+1	17	11.8%
17	1.7 rounds up to 2	+1	18	11.1%
18	1.8 rounds up to 2	+1	19	10.5%
19	1.9 rounds up to 2	+1	20	10%
20	2	+1	21	9.5%
21	2.1 rounds up to 3	+1.5 rounds up to 2	23	13%
22	2.2 rounds up to 3	+1.5 rounds up to 2	24	12.5%
23	2.3 rounds up to 3	+1.5 rounds up to 2	25	12%
24	2.4 rounds up to 3	+1.5 rounds up to 2	26	11.5%
25	2.5 rounds up to 3	+1.5 rounds up to 2	27	11.1%
26	2.6 rounds up to 3	+1.5 rounds up to 2	28	10.7%
27	2.7 rounds up to 3	+1.5 rounds up to 2	29	10/3%
28	2.8 rounds up to 3	+1.5 rounds up to 2	30	10%
29	2.9 rounds up to 3	+1.5 rounds up to 2	31	9.7%
30	3	+1.5 rounds up to 2	32	9.4%

35	3.5 rounds up to 4	+2	37	10.8%
40	4	+2	42	9.5%
45	4.5 rounds up to 5	+2.5 rounds up to 3	48	10.4%
50	5	+2.5 rounds up to 3	53	9.4%

**ARTICLE 29
(Planning
Board)**

To see if the Town will vote to amend the Mendon Zoning By-Law by adding Section 3.06, Accessory Dwelling Units to Article III, Use Regulations; or act or do anything in relation thereto.

Section 3.06 Accessory Dwelling Units

(a) Purpose and Intent

The purpose and intent of permitting Accessory Dwelling Units is to allow a separate living area within and as part of a single family home to:

- (i) Enable family members who choose to live in close proximity, but separate from other family members, to remain within the family environment;
- (ii) Provide homeowners with the ability to care for a family member while keeping a separate living area;
- (iii) Provide housing units for individuals hired to provide medical assistance, custodial care, or child care for the occupant(s) of the primary dwelling;
- (iv) Provide more opportunities to allow Town of Mendon residents to remain in the community;
- (v) Provide more opportunities to allow Town of Mendon employees to live in the community;
- (vi) Protect stability, property values, and the residential character of a neighborhood by ensuring that Accessory Dwelling Units are only allowed in single family homes that are owner occupied and that the appearance of the building remains that of a single family residence;
- (vii) Provide affordable rental property in the Town of Mendon that
 - 1) Can be added to the Town’s Subsidized Housing Inventory to count toward Mendon’s mandated 10% by meeting the regulations of the Local Action Unit Requirements under the Local Initiative Program (LIP) Guidelines of the Department of Housing and Community Development (DHCD) for Accessory Apartments and requirements of M.G.L Chapter 40B, Sections 20-23;
 - 2) Will create opportunities for homeowners to rent Affordable Accessory Apartments to non-family tenants and generate income; and
- (viii) Will make it possible for the Town to monitor all such additions for code compliance and safety.

(b) Definitions

- (i) Family Accessory Dwelling Unit. A self-contained housekeeping unit of limited size incorporated within a single family dwelling unit that is clearly a subordinate part of the single family dwelling.
- (ii) Affordable Accessory Dwelling Units (Use Restricted). An Accessory Dwelling Unit designated for households earning at or below 80% of the Area Median Income, carrying a use restriction ensuring the unit’s affordability to said households, using affirmative marketing and outreach to households in need and following the Local Action Unit Requirements for Accessory Apartments.
- (iii) Local Initiative Program. A program administered by the Massachusetts Department of Housing and Community Development (DHCD) to develop and implement local housing initiatives to produce low and moderate income housing, pursuant to state regulations which may be amended from time to time. The Local Action Unit component of this program provides guidelines for affordable Accessory Dwelling Units.
- (iv) Family Member. A parent, a son, a daughter, an uncle, an aunt, a niece, a nephew, a grandparent, and/or a sibling. Family Accessory Dwelling Units shall be rented only to Family Members of the owner of the Primary Residence. Use restricted Accessory Dwelling Units shall not be rented to Family Members of the owner of the Primary Residence.
- (v) Primary Residence. A dwelling where the owner-occupant has a true, fixed, and permanent home and principal establishment, and occupies it for a major portion of a calendar year, except for bona-fide temporary absences.
- (vi) Single Family Dwelling. A detached building intended and designed to be occupied by a single family.
- (vii) Subsidized Housing Inventory (SHI). A list maintained by DHCD of each community’s stock of low to moderate income units that count towards the mandated 10% affordable housing goal for that community as prescribed by M.G.L. Chapter 40B.

- (viii) Regulatory Agreement. A use restriction, or other legal instrument, acceptable in form and substance to the Town of Mendon and consistent with DHCD Guidelines.
- (c) Standards and Requirements for both Family and Affordable Accessory Dwelling Units
- (i) Family and Affordable Accessory Dwelling Units shall be allowed by right. Accessory Dwelling Units that do not comply with the criteria set forth herein may be permitted by the Board of Appeals upon the issuance of a special permit in accordance with Section 1.06 of the Town of Mendon Zoning By-Laws.
 - (ii) Only one Accessory Dwelling Unit may be created on a lot.
 - (iii) Prior to issuance of a permit, a plan showing the proposed changes to the building or site must be submitted to the Building Inspector.
 - (iv) The unit will be a separate housekeeping unit containing both kitchen and bath.
 - (v) The Accessory Dwelling Unit shall not exceed 800 square feet.
 - (vi) The construction of any Accessory Dwelling Unit must be in conformity with the State Building Code, Title V of the State Sanitary Code, and any other local bylaws and regulations. A septic system sized for the number of bedrooms must be approved by the Board of Health.
 - (vii) The appearance of the building shall remain that of a one family residence.
 - (viii) The maximum number of bedrooms shall be one and the maximum number of occupants shall be two.
 - (ix) There must be a connecting door between units within a single family dwelling.
 - (x) Any new separate outside entrance serving an Accessory Dwelling Unit shall be located on the side or in the rear of the building.
 - (xi) The footprint of the home or detached structure shall not be enlarged.
 - (xii) There shall be one electric service, one source of potable water, and the Accessory Dwelling Unit shall not have a separate address. An Accessory Dwelling Unit is not considered to be a two family dwelling unit.
 - (xiii) There shall be no additional driveway to serve the Accessory Dwelling Unit.
 - (xiv) There shall be two additional parking spaces located to the side or rear of the the property.
 - (xv) The owner(s) of the residence in which the Accessory Dwelling Unit is created must continue to occupy the Primary Residence, except for bona fide temporary absences or a special permit from the Board of Appeals.
 - (xvi) In the case of disabled and handicapped persons with limited mobility, the Building Inspector may allow reasonable deviation from the stated standards, where necessary, to install features that facilitate access and mobility.
- (d) Family Accessory Dwelling Units
- In addition to Section (c) above, Family Accessory Dwelling Units shall comply with the following:
- (i) Prior to the issuance of a permit, the owner(s) must send a notarized letter to the Building Inspector stating that:
 - 1) The owner will occupy the Primary Residence except for bona fide temporary absences, and the name and relationship of the family member who will occupy the Accessory Dwelling Unit; or
 - 2) That the occupant is an individual hired to provide medical assistance, custodial care, or child care for the occupant(s) of the primary residence; and
 - 3) That the owner-occupant shall annually re-certify the status of occupants and family status with the Building Inspector.
 - (ii) When a dwelling or structure, which has received a permit for an Accessory Dwelling Unit is sold, the new owner(s), if they wish to continue to exercise the permit must, within 45 days of the sale, apply to the Building Inspector for a new permit.
- (e) Grandfathering
- (i) Family Accessory Dwelling Units in existence at the time of the passage of this By-Law shall be exempt from the provisions of this By-Law. Upon the sale of the property, the Accessory Dwelling Unit shall be permitted as long as it meets code requirements and is in compliance with Section (c) (i) through (xvi) as applicable. The requirement in (c) (v) shall not apply.
 - (ii) A homeowner who has a Family Accessory Dwelling Unit in existence at the time of passage of this By-Law shall not be subject to fines for code violations, if any, should the homeowner desire to take advantage of the opportunity to rent to non-family and agree to the standards and requirements set forth in Sections (c) and (f) of this By-Law.
- (f) Affordable Accessory Dwelling Units
- The purpose of this section is to satisfy a need for more rental units in the Town of

Mendon that meet the regulations of the M.G.L. Chapter 40B, sections 20-23, 760 CMR 56.00 and the Local Initiative Program for Accessory Apartments and provide a means of renting Accessory Dwelling Units that are not used by family members.

- (i) In addition to being incorporated into a single family house, an Affordable Accessory Dwelling Unit may be allowed in an existing detached structure such as a barn or garage. This structure shall not be enlarged or extended in connection with the construction or modification of an accessory apartment, except for minimal additions necessary to comply with building, safety or health codes or to create or enclose an entry way or stairway.
- (ii) A tenant must be a Citizen of the United States or have an Eligible Immigration Status.
- (iii) The applicant shall meet the following requirements set forth in M.G.L. Chapter 40B, sections 20-23, 760 CMR 56.00 and the Local Initiative Program Guidelines in effect on the date of the application for an Affordable Accessory Apartment special permit:
 - 1) The owner(s) agree to execute a Regulatory Agreement for Affordable Accessory Apartment Projects and a Declaration of Restrictive Covenants.
 - 2) The Regulatory Agreement and Declaration of Restrictive Covenants, as a portion of its provisions, shall include the following:
 - a) A minimum term of 15 years but, should the property be sold prior to the end of that 15 year term, the owner of the property may transfer the agreement (use restriction) to the new owner. Otherwise, said agreement shall be terminated and revoked upon the sale of the property. Said agreement, for purposes of this subsection, shall not include: a mortgage deed to secure the repayment of a loan; or an inter-spousal transfer for nominal consideration where the transferor retains at least a fifty percent (50%) ownership interest in the property; or a transfer to a trust for nominal consideration where the owner holds at least a fifty percent beneficial interest in the property. DHCD shall be notified of the termination of the agreement and the unit shall be removed from the SHI.
 - b) The agreement is subject to state regulatory requirements for Affordable Accessory Apartments relative to pricing, affirmative fair housing marketing plan, and annual oversight by the Town or its designee;
 - c) An owner must rent the Affordable (Deed Restricted) Accessory Apartment to income qualified tenants selected through an open process to be established in accordance with the DHCD Local Initiative Program Guidelines for Local Action Units that are specific to Affordable Accessory Apartments; and
 - d) The monthly rent shall not exceed the maximum affordable rent as prescribed in said Guidelines.
 - 3) Said Regulatory Agreement with the Town shall provide that the owner(s) shall execute and record in the Worcester District Registry of Deeds forthwith said Regulatory Agreement and Declaration of Covenants.
 - 4) Said Regulatory Agreement with the Town shall provide that the lease may be terminated at any time, but in all cases the owner must provide an existing tenant at least sixty (60) days prior written notice that a lease will not be renewed. If the owner desires to terminate the Regulatory Agreement, the owner shall file a notice of cancellation with the Registry of Deeds.

(g) Assistance to Home Owners:

- (i) The Town of Mendon Affordable Housing Coordinator will assist the property owner in navigating through the affordability requirements established in this By-Law.
- (ii) The Town of Mendon Affordable Housing Coordinator will assist property owners in locating available municipal or state funds for rehabilitating and upgrading the properties for the purpose of incorporating an Affordable Accessory Dwelling Units identified under this By-Law.
- (iii) The Town will waive fees for the inspection and monitoring of the affordable accessory apartments that are identified under this By-Law.
- (iv) To the extent allowable by law, the negative effect entailed by the use restriction involved will be reflected in the property tax assessment.

(h) The Local Project Administrator to administer Affordable Accessory Dwelling Units, as required by the Department of Housing and Community Development's Local Initiative Program for Accessory Apartments, shall be the Town of Mendon Affordable Housing Coordinator.

(i) Local Preference

- (i) To the extent practicable, Mendon residents over the age of 55, residents whose spouse, son, daughter, father, mother, brother, sister, grandfather or grandmother lives in Mendon, or Town of Mendon municipal or school department employees shall be given local preference for the maximum number of the Affordable Dwelling Units created in any development subject to this By- Law that is permitted under DHCD Guidelines (currently 70%).
- (ii) These restrictions shall remain enforce for a period of four (4) months from the date of the first offering of the rental of a particular Affordable Accessory Dwelling Unit to the public. The Town of Mendon or its designee, or the developer, as applicable, shall make a diligent effort to locate eligible renters who meet the above requirements as well as the applicable income requirements.

(j) Penalty and Enforcement

- (i) It shall be the duty of the Building Inspector to administer and enforce the building code compliance and safety provisions of this By-Law for both Family and Affordable Accessory Dwelling Units. It shall also be the duty of the Building Inspector to administer and enforce the requirements in (d) (i) and (ii) for Family Accessory Dwelling Units.
- (ii) No building shall be changed in use or configuration until the Building Inspector has issued a permit. No building shall be occupied until a Certificate of Occupancy has been issued by the Building Inspector where required.
- (iii) The Building Inspector shall refuse to issue any permit, which would result in a violation of any provision of this By-Law.
- (iv) The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, which are in violation of this By-Law.
- (v) Should the Building Inspector determine that health and/or safety issues exist in an Accessory Dwelling Unit, permitted or not, the owner of a single family residence and associated Accessory Dwelling Unit who does not bring his or her premises into compliance with this By- Law shall be liable for a fine of not more than \$300.00 per day.
- (vi) The Town reserves the right to monitor changes in ownership or occupancy for compliance with this By-Law.

(k) Severability

If any provision of this By-Law is held invalid by a court of competent jurisdiction, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or sections or parts of this By-Law shall not affect the validity of the remainder of the Town's Zoning By-Law.

**ARTICLE 30
(Moderator)**

To see if the Town will vote to adjourn this Annual Town Meeting until 7:00am on May 13, 2014 in the Miscoe Hill School gymnasium, for the sole purpose of conducting the Annual Town Election and further that this Annual Town Meeting warrant will be dissolved immediately upon the closing of the polls on that date.

And you are directed to serve this Warrant, by posting up attested copies thereof at three or more public places in said Town, 14 days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 31st day of March, in the year of our lord two thousand fourteen.

_____ **Selectmen of Mendon**

A True copy. Attest:

_____ **Constable**

Worcester, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Mendon by posting up attested copies of the same at:

Town Hall; _____; _____

_____ **days before the date of the meeting, as within directed.**

_____, **Constable**