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NORTON PLANNING BOARD MEETING
MINUTES OF FEBRUARY 15, 2022

The Planning Board Meeting of February 15, 2022 was called to order on ZOOM at 7:15 p.m. by Mr. Timothy Griffin, Chairman. Members present were Mr. Allen Bouley, Mr. Steve Hornsby, Mr. Wayne Graf, Mrs. Julie Oakley, and Mr. Kevin O'Neil participated remotely via ZOOM. Also, in attendance was Planning Director Paul DiGiuseppe and Administrative Assistant Bryan Carmichael.

Mr. Griffin explained that the meeting was going to be fully remote based on an increase of Covid cases and explained the etiquette that should be displayed during these meetings.

General Business

Minutes – The minutes presented were from February 1, 2022 and July 13, 2021.

Motion to approve the July 13, 2021 minutes was made by Mr. Graf and seconded by Mr. Bouley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mrs. Oakley Abstain, Mr. Bouley Yes, Mr. O'Neil Yes, and Mr. Griffin Abstain. (4-2-0) The motion passes.

Mr. Hornsby asks to be put in the February 1, 2022 meeting as not absent.

Motion to approve the February 1, 2022 minutes with edits was made by Mr. Graf and seconded by Mr. Hornsby. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, Mr. Bouley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Discussion: Proposed change to Zoning Bylaw Article 19 (Affordable Housing) for Spring Town Meeting

Mr. DiGiuseppe starts off the conversation. It is a proposal to make an amendment to Article 19, the Affordable Housing by-law. What will be revised is the Inclusionary Housing by-law that has a mandate for affordable housing if there is a developer or property owner with an ANR or Subdivision plan with 6 or more lots or 6 or more multi-family housing units then there has to be at least 10% of the units have to be affordable housing on the development. When originally passed in 2003 Norton's subsidized housing inventory was at 3%, which was below the state mandate of 10%. Currently the percentage for Norton's affordable housing is 11% because of the two 40Bs in development. Since it is above the 10% currently Mr. DiGiuseppe suggests putting in a provision to when it is at or above 10% that the Inclusionary housing and to have a provision that will not require the by-law. Mr. DiGiuseppe states that the by-law has only been used twice once at the Wading River Estates and the other at Oak Street. Oak Street is the only project with

constructed units which developed two units of the approved six in Norton. Wading River Estates has not had a buyer yet for their affordable housing units. The by-law could impact future projects that Mr. DiGiuseppe has been meeting with and felt the by-law was a little bit outdated. The by-law will be back in effect if Norton's Affordable Housing reaches below 10% again. Mr. Griffin asks if the provision is the only change. Mr. DiGiuseppe confirms that is the only change.

Mr. O'Neil asks for an overview of the article. Mr. DiGiuseppe shows the by-law and explains that it is to provide affordable housing for low- and moderate-income households and is intended that these units resulted from this by-law should qualify as local initiative units. An example being Oak Street having their affordable housing information submitted to the state to count it toward Norton's subsidized housing inventory. This process occurs when the affordable housing units are constructed and Norton signed a regulatory agreement which had them counted toward the inventory subsidized housing inventory. The thresholds of what can be met for an affordable housing unit and then a qualified purchaser's income cannot exceed 80 percent of the median family income as established by the state. Applicability has a requirement that as a condition the Planning Board must approve a special permit with the obligation to provide affordable housing. The provision of affordable housing units under "b" states that at least 10 percent of the lots or the units shall be subject to it. Affordable housing can be provided by construction on-site, they could rehab an existing property, and they could pay a fee in lieu which would allow them to instead of constructing affordable housing they could give money to the town to put into an affordable housing trust fund. The standards state that you can't cluster all of the affordable housing units in one place. There are design standards that the affordable housing units should not look materially different than market rate units. The timing of construction which doesn't want builders to wait to the end to build all the affordable housing so at certain thresholds you have to at least put in 10%. Other standards include the option of a local preference which would allow Norton residents to be first in renting or purchasing the affordable housing units. The marketing plan would have to be created so that the Department of Housing and Development would have to support. The calculation of the fee lieu and price points are also standards. Restrictions on the preservation of the affordable units which is when any subsidized housing unit gets approved Norton has to enter into an agreement with the developer and the state signs off on what these regulatory agreements are which puts out the conditions for the affordable unit to remain as an affordable unit even after a previous resident leaves. Density increase for affordable housing gives the Planning Board the opportunity to increase the density to provide for affordable housing.

Mr. O'Neil asks if it means land divided up with a special permit approval had to have an affordable housing component to it. Mr. DiGiuseppe states yes based on his reading and that there was an ANR that was missed during his time that created six or seven lots. The reading of the by-law has it so the creation of six or more new lots and residential would have to follow the by-law. This was confirmed with Town Counsel that the implication is housing units which was not clear based on the current language but is under the residential by-law. Mr. O'Neil gives an example of 20 acres turned into 20 lots and asks if they would also have to get affordable housing. Mr. DiGiuseppe answers it would and brings up the potential Pine Street Cluster that was discussed in October which would also have to have 10% of the units be affordable pursuant to the by-law. Mr. O'Neil asks if this by-law might be a factor as to why there hasn't been much residential development in Norton. Mr. DiGiuseppe states that through his experience when a

threshold is set that triggers new regulations, they will come in right under it so it's possible but there were a lot of residential subdivisions in the 80s and 90s but have slowed down. It is still possible people would be concerned as someone who has a six unit would then have to make one of the units, affordable housing. The numbers don't always pencil out because of the cost of construction in the development. The affordable units are not going to be much less and will use less expensive versions of the same furnishings. When applying for their loan to build the project the financial company will ask what the net operating income is. In order to make up the difference in the net operating income because of the affordable housing they need to add the difference to the market rate housing. Mr. DiGiuseppe gives an example from when he worked in Austin, Texas where the city would give minor density bonuses and affordable housing was rarely built except around the University of Texas area which had greater density bonuses and had affordable housing built. The example shows what a reason might be for the lack of affordable housing in Norton.

Mr. O'Neil states he is in favor of the article amendment and wanted to know the impact of the by-law. Mr. Hornsby adds to Mr. DiGiuseppe's statements that smaller developments that are six to ten will certainly get deterred by this by-law. Mr. DiGiuseppe states that affordable housing developers have a different finance process they would have to go through versus market rate and residential housing builders aren't going to go through the same process the same process as an affordable housing developer will go through. The numbers and the financial institutions are different and this by-law would mix them. The 40B that is next to McDonald's at 195 Mansfield Avenue are going forward with the builders for the project have a portfolio of projects in several states that show they have built mixed income developments that have both market rate and affordable housing in the same development. Mr. Hornsby states the larger the development the easier it is to roll the affordable housing costs into the market value costs.

Mrs. Oakley asks if the affordable housing has to be approved but doesn't have to be constructed for it to count toward the 10%, if a project like a 40B fell through for example. Mr. DiGiuseppe states that as soon as the comprehensive permit is signed and stamped by the Town Clerk the information is sent to the Department of Housing and Community Development that update the information. Once there the properties remain on the list of properties that are counted toward the 10%. From Mr. DiGiuseppe's experience with working with the Zoning Board of Appeals, they will be willing to listen to a 40B if the project is good and now that it is over 10% 40Bs can't be used as a blunt forced object to get approved. A majority of the Subsidized Housing Inventory came through the 40B route.

Mr. Bouley asks what happened to the local preference on the most recent 40B. Mr. DiGiuseppe confirms that the ZBA had approved the local preference and that he is still working on the documentation for it.

Mr. Griffin asks if the wording of the by-law should be changed from shall not to will not be required so there is no ambiguity in the language. Mr. DiGiuseppe states that clarifying ambiguity is important but was mirroring the language from the previous a and b sections of the Affordable Housing by-law which uses shall. Mr. Griffin agrees that mirroring the rest of the by-law is good and the added in line in put in the by-law is a good addition.

Mrs. Oakley motions to approve the underline text as written for 175-19.3 to be presented at Town Meeting and is seconded by Mr. Graf. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, Mr. Bouley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes.

Business and Policies

Mr. Griffin takes inventory and asks Mr. DiGiuseppe what the Planning Board is going to be taking to Town Meeting. Mr. DiGiuseppe states he will take the Proposed by-law change, the use table, and the dimension table to the Spring Town meeting. Mrs. Oakley asks if there is anything else. Mr. DiGiuseppe states that there is the possibility of rezoning. Spring Town Meeting is scheduled for June 7, 2022. Mr. DiGiuseppe goes through upcoming applications including Lucky Green Ladies on Old Colony Road a marijuana delivery service, 196 Mansfield Avenue that is a 100,000 square foot flex space that will have a peer review from Amory done, 0 Mansfield Avenue an ANR from Wheaton College, and a special permit for a three-unit renovation at 339 Old Colony Road.

Adjournment

The motion to adjourn the February 15, 2022 meeting was done by Mr. Bouley and seconded by Mrs. Oakley. Roll Call; Mr. Graf Yes, Mr. Hornsby Yes, Mrs. Oakley Yes, Mr. Bouley Yes, Mr. O'Neil Yes, and Mr. Griffin Yes. Motion passes. The Planning Board Meeting from February 15, 2022 was adjourned at 7:52 pm.

Minutes prepared and submitted by Bryan Carmichael, Department of Planning and Economic Development Administrative Assistant.

Minutes Approved on: 3/8/22

Signature Paul DiGiuseppe