

BROOKLINE PLANNING BOARD
Section 620

~~Proposed deleted items~~ — **Proposed changes**

Amendment No. 4

620.00 WORKFORCE HOUSING ~~ORDINANCE~~ DEVELOPMENT

621.00 Purpose

The purpose of this Ordinance is to provide an option for including workforce housing as **an Innovative Land Use Control** ~~a permitted use~~ in the Residential-Agricultural District, consistent with the requirements of NH RSA 674:58-61.

The Ordinance is intended to:

1. Maintain the Town's: water supply, ability to provide high-quality education and school services, environment, traffic safety, and fire and life safety by guiding the development of Workforce Housing;
2. Address the Town's need to provide its fair share of the current and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment; and
3. Meet the goal of providing a diverse supply of safe, affordable, and workforce housing opportunities as set forth in the Town's Master Plan.

622.00 Authority

This section is adopted under the authority of RSA 674:21, Innovative Land Use Controls, and is intended as an "Inclusionary Zoning" provision as defined in RSA 674:21(I)(k) and also intended to comply with NH RSA 674:58 – 61, inclusive.

623.00 Definitions

Terms in sections 620.00 through 6365.00 shall have these definitions.

- a. Affordable: means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income. Definition from RSA 674:58, as amended.
- b. Area Median Income (AMI): means the median income of the greater region, the HUD Fair Market Rent Area to Brookline's, as established and updated annually by the US Department of Housing and Urban Development. Income considers both wage income and assets.
- c. 3- or 4-family Dwelling: means a building or structure containing not less than three (3) and not more than four (4) dwelling units, each designed for occupancy by an individual household.
- d. Market Rate Housing: means a single family dwelling, two dwelling unit dwelling, 3- or 4-family

dwelling or multi-family dwelling that does not meet the definition of Affordable, Workforce housing - Renter occupied or Workforce Housing - Owner occupied under section 623.00 of this ordinance.

- e. Mixed Development: means a single housing development that contains a combination of Workforce Housing and Market Rate Housing.
- f. Multi-family Dwelling: means a building or structure containing not less than five (5) and not more than five (5) dwelling units, each designed for occupancy by an individual household. Definition from RSA 674:58, as amended.
- g. Reasonable and Realistic Opportunities for the Development of Workforce Housing: means opportunities to develop economically viable workforce housing within the framework of Brookline's municipal ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e.
- h. Single-family Dwelling: means a building or structure containing not less than one (1) and not more than one (1) dwelling unit, each designed for occupancy by an individual household.
- i. Workforce Housing: means a single-family dwelling, two dwelling unit dwelling, 3- or 4-family dwelling or multi-family dwelling that does meet the definition of Affordable, Workforce housing - Renter occupied or Workforce Housing - Owner occupied, under section 623.00 of this Ordinance. From RSA 674:58, as amended.
- j. Workforce Housing - Renter occupied: means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the US Department of Housing and Urban Development. Definition from RSA 674:58, as amended.
- k. Workforce Housing - Owner occupied: means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area in which the housing is located as published annually by the US Department of Housing and Urban Development. Brookline is located within the greater Nashua metropolitan area. Definition from RSA 674:58, as amended.

624.00 Applicability

- 1. Uses Permitted
 - a. Single family dwelling, two dwelling unit dwelling, 3- or 4- family dwelling or a multi- family dwelling may qualify as workforce housing.
 - b. A workforce housing development or a mixed development that includes a 3- or 4-family dwelling or multi-family dwelling shall only be allowed along the NH Route 13 corridor, defined as land in the Residential / Agricultural District within 500 feet of the NH Route 13 Right of Way on both sides of the highway.
 - c. Outside the NH Route 13 corridor, as defined above, a workforce housing development or a mixed development that includes only single-family and two dwelling unit dwellings are permitted in the Residential/Agricultural District.

625.00 *Procedural Requirements*

1. If the Town's existing housing stock is sufficient to accommodate its Fair Share of the current and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment; the Town shall be deemed to be in compliance with RSA 672:1, III-e and RSA 674:59 in accordance with the provisions of RSA 674:59 III and no development intended to qualify as workforce housing or mixed development under this Ordinance shall be approved or permitted by the Planning Board, or the Town.
2. If the Town's existing housing stock is not sufficient to accommodate its fair share of the current and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment; applications for workforce housing, or a mixed development, may be considered. However, no development intended to qualify as workforce housing or a mixed development under this ordinance shall be permitted or approved by the Planning Board or the Town if, when combined with the existing housing stock, the development would exceed the Town's fair share of the current and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment.
3. The determination of the Town's ability to meet its fair share of the current and reasonably foreseeable regional need for workforce housing; as documented in the Nashua Regional Planning Commission's most recent Needs Assessment; shall, at a minimum, be determined every year by the Brookline Planning Board. The determination should be completed no later than November 30. A written report including the determination by the Planning Board shall be completed in time to be included in the next Town Annual Report. Additionally, the Planning Board may, at their discretion, choose to review the reasonably foreseeable regional need for workforce housing at any time.

If the Board determines there is a need for additional workforce housing to meet the Town's fair share of the current and documented and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment; the Planning Board may immediately begin considering applications for developments intended to qualify as workforce housing or for a mixed development in accordance with paragraph 625.00 2., above.

If the Planning Board determines the Town meets the Town's fair share of the current and reasonably foreseeable regional need for workforce housing as documented in the Nashua Regional Planning Commission's most recent Needs Assessment paragraph 625.00 1., above, shall apply.

4. Any applicant who applies to the Planning Board for approval of a development intended to qualify as workforce housing or a mixed development under this section shall:
 - a. Follow the Town's normal application procedure for a subdivision *or site plan* approval as defined in the Town's Subdivision *and Site Plan* Regulations; and
 - b. Provide a written statement of such intent as part of the application as per RSA 674:60; and
 - c. Follow the requirements set forth herein; including but not limited to, water supply,

environmental protection, traffic safety, and fire and life safety and any other such requirements the Planning Board deems necessary for subdivision acceptance.

5. At the time of application, the applicant or developer shall identify the organization responsible for compliance with Section 630.00 of this ordinance and provide all legal documents outlining the agreement.
6. At the time of application, the applicant or developer shall prepare a management plan, acceptable to the Planning Board that demonstrates compliance with this ordinance.

626.00 General Requirements of Workforce Housing Units

1. **Developments Dwellings** qualifying as workforce housing shall restrict fifty percent (50%) of the dwellings units to have no more than two bedrooms or the development shall not constitute workforce housing for the purposes of this ordinance.
2. Dwelling units qualifying as workforce housing shall be comparable in exterior appearance with market rate housing dwelling units of similar type in the proposed development. For a proposed mixed development no more than 50% of the dwelling units shall be market rate housing. The workforce housing dwelling units shall be interspersed throughout the overall development and not concentrated in a separate area of the development.
3. The minimum parcel size for a workforce housing development shall be at least ten (~~ten~~**10**) contiguous acres excluding wetlands, water bodies, and land contained in the 100-year floodplain.
4. The ~~minimum~~ **maximum lot size density** for market rate housing dwellings shall comply with the standards of the Brookline Zoning Ordinance. The ~~minimum~~ **maximum lot size density** for workforce housing dwellings shall be as follows: **one a single-family-dwelling per one (1) contiguous acre, one two-dwelling unit dwelling per one and one half (1.5) contiguous acres, one a 3-, 4-family or multifamily dwelling per three (3) contiguous acres. Density shall be measured excluding wetlands, water bodies and land contained in the 100-year floodplain.**
5. The minimum required frontage for market rate housing dwellings shall comply with the standards of the Town of Brookline Zoning Ordinance. The minimum required frontage for workforce housing dwellings **on individual lots** shall be as follows: for a ~~a~~ **one** single-family dwelling shall be one hundred (100) feet; for a two dwelling unit dwelling shall be one hundred fifty (155) feet; for a 3- or 4-family dwelling shall be two hundred forty (240) feet, for a multi-family dwelling shall be two hundred forty (240) feet.
6. No backlot development shall be allowed.
7. Developments that include a 3- or 4-family dwelling or multifamily dwelling shall have a vegetated buffer of not less than fifty (50) feet wide or a greater value as deemed necessary or appropriate by the Planning Board on all boundaries of the original parcel except for access to connecting roads. Developments including only single family dwellings or two dwelling unit dwellings shall have a vegetated buffer appropriate for the location and scale of the project.
8. **Setbacks and unit separation:** ~~The minimum building setbacks shall be as follows~~

- a. *Front.* Each structure shall be setback at least 30 feet from the front lot line.
- b. *Side and Rear.* Each structure shall be at least 15 feet from side and rear lot lines. In the case of a corner lot, the side distance shall be increased to 30 feet on the side bordering the frontage.
- c. **If a vegetative buffer is required by 626.07, all setbacks shall be measured from the edge of the buffer instead of the lot line.**
- d. **One (1) story buildings must be separated by at least twenty-five (25) feet. Two or more story buildings must be separated by at least thirty-five (35) feet.**

627.00 Reasonable Standards

In accordance with RSA 674:59 IV, the approval of a development of workforce housing or a mixed development under this ordinance may have reasonable standards including, but not limited to standards for, Environmental Protection, Water Supply, Sanitary Disposal, Traffic Safety, Fire and Life Safety Protection as deemed necessary or appropriate by the Planning Board.

628.00 Road, Way, Access to Development

1. Access to development containing a 3- or 4-family dwelling or a multi-family dwelling shall be from the NH Route 13 corridor as described in Section 624.00.
2. Roads must be constructed to standards outlined in the Subdivision Regulations. The road, all culverts, drains, swales, stormwater management structures or BMPs, signage, etc. shall be installed, managed and maintained by the management company.
3. Unless deemed unnecessary by the Planning Board, access to a development shall be via a through roadway connecting existing roads and neighborhoods in order to provide a safe and rapid access to the development / dwelling units for all emergency vehicles.

629.00 Affordability

1. Affordability Compliance
 - a. All the workforce housing dwelling units approved under this provision must meet the affordability requirements as defined in Affordable, Workforce Housing - Renter occupied or Workforce Housing - Owner occupied under Section 623.00 of this ordinance.
2. Assurance of continued affordability
 - a. Affordable housing, Workforce housing - owner occupied and Workforce housing - renter occupied units must retain the development criteria including but not limited to the conditions of approval and the affordability standards herein, in perpetuity, with a renewable clause through a suitable deed restriction, easement and/or mortgage deed instrument deemed acceptable to the Brookline Planning Board and as monitored through reports provided to the Brookline Planning Board by the designated third-party agent prior to the time of unit sale or

resale.

630.00 Administration

A third-party non-profit or for-profit organization or property management entity shall be responsible for income verification and ongoing affordability compliance. The designated organization or company shall provide appropriate reports to the Brookline Planning Board regarding ongoing affordability compliance annually and in time for printing in the Annual Town Report.

631.00 Conditions of Approval

In accordance with RSA 674:59 IV, the approval of a development of workforce housing or a mixed development under this ordinance may have conditions of approval including, but not limited to conditions for, Environmental Protection, Water Supply, Sanitary Disposal, Traffic Safety, Fire and Life Safety Protection as deemed necessary or appropriate by the Planning Board.

632.00 Conflict

If any provision of this Section is in conflict with the provisions of any other provisions of this ordinance, the more restrictive provision shall apply, except for any provision relating to reductions in standards for lot size or frontage in which case the provisions of this Section shall apply.

633.00 Appeals

If an applicant wishes to appeal a decision made by the Planning Board, they may do so in accordance with RSA 674:61.

634.00 Severability

If any section, provision, portion, clause or phrase of this ordinance shall be declared invalid or unconstitutional, it shall not impair or invalidate any other section, clause, provision, portion or phrase of this ordinance.

635.00 Effective date

This ordinance shall be effective immediately after an affirmative vote at Town Meeting.

Reasons for proposed changes

The changes proposed let developers know that a Workforce Housing development can be proposed as a site plan or as a subdivision plan. A site plan is a single lot that has many dwellings such as condominiums or apartments. A subdivision plan is a single lot that is divided into smaller lots.

Setbacks and Unit Separation. This section title is taken from the Housing for Older Persons Ordinance and replaces a similar but not identical title.

Changes to buffers were made much clearer and how to measure buffers was added. This means that if a development with two-family dwelling units is proposed next to a commercial use, the buffer between them may be larger than if a development is proposed next to a similar development.

Distance between buildings is a direct copy of the Housing for Older Persons Ordinance and means that if you have a condominium or apartment type development, there is guidance on how far apart the buildings should be based on number of stories.