

FOR DISCUSSION PURPOSES ONLY:

Accessory Dwelling Unit Proposed Zoning Amendments

Amendment 1: Article II—Insert a new sentence in Section 2.18 Dwelling (after Dwelling, Rowhouse or Townhouse) to define Accessory Dwelling Unit for zoning regulation.

Proposed language:

SECTION 2.18

DWELLING, ACCESSORY UNIT: A self-contained housing unit in common ownership as the structure, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress and (ii) is not larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.

Amendment 2: might need to amend 4.03 Accessory Use

Amendment 3: In Section 5.02, add a new section 5.02(s) and add a note to reference the proposed Ordinance.

Show amended Table of Uses with ADUs allowed in the S-10, S-6, SC and T zones.

Amendment 4: Add a new note within Section 5.02 Notes to Table of Accessory Uses

Proposed language: (XX) Accessory Dwelling Units may be allowed as an accessory use within single-family and two-family residences in the identified zoning districts, as specified in Section 5.XX Accessory Dwelling Units.

Amendment 5: Add a new Section 5.XX with the zoning requirements for Accessory Dwelling Units, as follows:

SECTION 5.XX ACCESSORY DWELLING UNITS

(a) Intent and Purpose

This section is intended to encourage more economic and energy-efficient use of the Town's housing supply while maintaining the residential character and scale of existing neighborhoods and, moreover, to provide flexibility for households as needs change over time and provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings.

(b) Eligibility under this Section

To obtain a permit to create an Accessory Dwelling Unit, the property must meet the following requirements:

- (1) Ownership of the lot may not be in condominium or cooperative form of ownership. No proposed Accessory Dwelling Unit shall be held in separate ownership from the principal dwelling unit (or units, if a two-family residence). No more than 1 Accessory Dwelling Unit shall be allowed per lot.
- (2) The proposed Accessory Dwelling Unit must be within or attached to the principal dwelling unit on the lot. Accessory Dwelling Units may **not** be located in a detached structure on the lot.
- (3) The property owner must occupy one of the dwelling units, either the Accessory Dwelling Unit or an existing unit. The property owner must maintain such residency throughout the life of the Accessory Dwelling Unit. For purposes of this section, a property owner is an individual (or more than one) holding a legal or equitable interest in the lot.
- (4) The principal dwelling unit(s) must have been **con**structed 4 or more years prior to the date of application for a permit to construct an Accessory Dwelling Unit as evidenced by a certificate of occupancy for the original construction of the dwelling.
- (5) The property owner must show that the existing parking on the lot complies with the parking requirements of this Ordinance, **plus** one additional parking space that exists or will be added for the Accessory Dwelling Unit.

(c) Accessory Dwelling Units allowed

Accessory Dwelling Units that meet the requirements of this Section are allowed by right as a use accessory to a Single-Family or Two-Family building. Notwithstanding the by right process for creating an Accessory Dwelling Unit, any exterior changes in the building that do not comply with the zoning district's dimensional requirements shall require approval by special permit or special permit finding, as applicable.

(d) Exterior changes to the building or site

Exterior changes to the building are permitted provided they are in keeping with the architectural integrity of the structure, and the look, character and scale of the neighborhood as viewed from the street, including but not limited to, the following considerations:

- (1) The exterior finish material and trim should be the same or visually consistent in type, size, and placement, as the exterior finish material and trim of the remainder of the building;
- (2) The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
- (3) Windows should be consistent with those of the remainder of the building in proportion and orientation;
- (4) Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;

- (5) If parking for the Accessory Dwelling Unit is added, screening should be provided to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences, or a combination; and
- (6) The Building Commissioner shall seek the advice of the Director of Community Development and Planning, as needed, in the application of these criteria.

(e) Additional requirements

- (1) Where the Accessory Dwelling Unit is occupied as a rental unit, the minimum occupancy or rental term shall be 31 days;
- (2) Before a Certificate of Occupancy is issued the property owner shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or determination creating the Accessory Dwelling Unit and certified copies shall be filed with the Department of Community Development and Planning, where a master list of such units shall be kept, and with the Assessor's Office;
- (3) The property owner shall file with the Department of Community Development and Planning a sworn certification attesting to continued compliance with the requirements of this Section and with any applicable safety code. Such certification shall be filed on the first business day of January or upon transfer to a new owner.
- (4) When ownership of the property changes, the new owner shall notify the Department of Community Development and Planning and the Building Commissioner within 30 days, at which time the Commissioner shall conduct a determination of compliance with this Section and any applicable safety code; and
- (5) Where a building is in a historic district or has been determined historically significant and preferably preserved, any decisions of the Historic District Commission or the Historical Commission shall take precedence over this Section. criteria and procedures.

Ordinance#

2021-

An Ordinance to accept the provisions of MGL c. 44, §55C to establish a trust to facilitate the creation and preservation of affordable housing within the Town of Watertown.

Whereas: The Town Council has determined, for the reasons stated in the Declaration of Intent below, that the Town of Watertown should establish a municipal affordable housing trust;

Now Therefore Be it Ordained: that Chapter __ of the Ordinances of the Town of Watertown be adopted as follows, with the language of the Declaration of Trust attached to this Ordinance.

§ __-.01 DECLARATION OF INTENT

Whereas, safe, healthy and financially affordable housing is a critical need within the Town of Watertown and throughout the Greater Boston region; and

Whereas, the Housing Plan adopted by the Town of Watertown in March 2021 documented the need to create and preserve more affordable housing within the Town; and

Whereas, the Watertown Housing Partnership has led the Town's efforts to create affordable housing and has earned the community's appreciation for its hard work and key role in the progress the Town has achieved; and

Whereas, the WHP has recommended the formation of a municipal affordable housing trust under MGL c. 44, § 55C, as a logical next step in Watertown's efforts; and

Whereas, it is the intent of this Ordinance to accept the provisions of MGL c. 44, §55C to establish a trust to facilitate the creation and preservation of affordable housing within the Town of Watertown for the benefit of low- to moderate-income households and for the funding of community housing, and to amend the Code of Ordinances to add an affordable housing trust ordinance, as detailed below.

Now, therefore, the City known as the Town of Watertown shall have a municipal affordable housing trust to accomplish this purpose.

§ __-.02 FORMATION OF A WATERTOWN MUNICIPAL HOUSING TRUST

There is hereby created in the Town of Watertown, pursuant to the authority granted by MGL c. 44, § 55C, an affordable housing trust to be known as the "Watertown Affordable Housing Trust," hereafter referred to in this chapter as the "Trust."

§ __-.03 PURPOSE

The purpose of the Trust is to provide for the creation and preservation of affordable housing within the Town of Watertown for the benefit of low- to moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL c. 44B.

§ __-.04 APPOINTMENT AND TENURE OF TRUSTEES

(A) Composition. The Trust shall be governed by a Board of Trustees (the "Board") in accordance with MGL c. 44, §55C, as revised from time to time, and the authority granted by the Town Council. The Board of Trustees shall be composed of seven (7) Trustees that meet at regular intervals. The Town Manager shall serve as one (1) of the Trustees.

(B) Appointment and Tenure of Trustees; Vacancies. The Town Manager shall appoint Trustees for a two (2) year term, subject to confirmation by the Town Council, such term to end on June 30 of the expiration year or until such time as a successor Trustee is appointed. The Trustees first appointed shall have staggered terms, with three (3) of the appointed Trustees initially serving a one-year term, and the remaining three (3) serving a two-year term. Thereafter, all appointments and reappointments, with the exception of the Town Manager's term, shall be for a period of two (2) years. Trustees may be reappointed for additional terms.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, any successor Trustee shall be appointed by the Town Manager, subject to confirmation by the Town Council, provided that in each case, the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk.

(C) Qualifications. Trustees appointed by the Town Manager shall be a group of diverse residents who have relevant experience in the fields of real estate, housing, banking, finance, law, architecture, community planning and/or similar areas of expertise relating to the creation and preservation of affordable housing. Any Trustee who ceases to be a Town resident shall promptly provide written notification of the change in residence to the Trust and to the Town Clerk. The Trustee may serve until a successor is appointed.

(D) Service Without Compensation. The Trustees shall serve without compensation.

(E) Removal. Any Trustee may be removed for cause by the Town Manager after the opportunity for a hearing.

§ ___-.05 POWERS OF TRUSTEES

(A) Authority and Responsibilities. The powers of the Board, all of which shall be carried on in furtherance of the purposes set forth in MGL c. 44, § 55C, are as follows:

(1) To accept and receive property, whether real or personal, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation money, grants of funds or other property tendered to the Trust in connection with provisions of any ordinance or any general or special law or any other source, including money from MGL c. 44B; provided, however, that any such money received from Chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said Chapter 44B are reported to the Watertown Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Massachusetts Department of Revenue;

(2) To purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such

contracts and enter into such undertaking relative to Trust property as the Board deems advisable, notwithstanding the length of any such lease or contract;

(4) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;

(5) To employ advisors and agents, such as accountants, appraisers and lawyers, as the Trustees deem necessary;

(6) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

(7) To apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) To participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;

(10) To carry property for accounting purposes other than acquisition date values;

(11) To borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge trust assets as collateral;

(12) To make distributions or divisions of principal in kind;

(13) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor of or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of MGL c. 44, § 55C, to continue to hold the same for such period of time as the Board may deem appropriate;

(14) To manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;

(15) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate;

(16) To extend the time for payment of any obligation to the Trust;

(17) To compensate the Town for services provided as authorized by the Town Manager and in accordance with applicable laws, including, but not limited to, dedicated staff to the Board, engineering

support for project specific activities, and other Town services, as requested by the Board to the Town Manager;

(18) To administer certain affordable housing accounts held by the Town, including the WestMetro HOME Consortium and the Community Development Block Grant; and

(19) To perform such other duties and responsibilities as the Town Council may direct by ordinance, including but not limited to, reviewing development applications which have or propose affordable housing units.

(B) Limitations. Neither the Board of Trustees nor any Trustee, agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. Any debt incurred by the Trust shall not constitute a pledge of the full faith and credit of the Town of Watertown, and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Watertown, with an acknowledgement of said statement by the holder.

§ ___-.06 MEETINGS OF THE TRUSTEES

(A) Meetings. The Trust shall meet at least quarterly at a time and place as the Board shall determine. Notice of all meetings shall comply with the provisions of the Open Meeting Law, MGL c. 30A, §§ 18-25. A quorum at any meeting shall be a majority of the Trustees then serving. Meetings shall be scheduled by the Chair. Special meetings may be called by the Chair or by any two (2) Trustees.

(B) Officers. The Trustees shall designate a Chair, Vice-Chair and a Clerk. In the Chair's absence, the Vice-Chair shall preside over the meeting.

§ ___-.07 ACTS OF THE TRUSTEES

Provided that a quorum is present, a majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, except that any instrument of amendment under _____ .11 shall be conclusive only if signed by all Trustees.

§ ___-.08 LEGAL STATUS OF THE TRUST

(A) Public Employer. The Housing Trust is a public employer, and the members of the Board of Trustees are public employees for purposes of MGL Chapter 258.

(B) Municipal Agency. The Housing Trust shall be deemed a municipal agency and the Trustees shall be deemed as special municipal employees for purposes of MGL Chapter 268A.

(C) Taxes. The Housing Trust is exempt from MGL Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(D) Governmental Body. The Housing Trust is a governmental body for purposes of MGL Chapter 30A, §§ 18-25.

(E) Instrumentality of the Town. The Housing Trust is a board of the Town of Watertown for purposes of MGL Chapter 30B and MGL Chapter 40, § 15A, but agreements and conveyances between the Trust and

agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said MGL Chapter 30B.

§ __-.09 FUNDS OF THE TRUST

(A) Funds Paid into the Trust. Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning ordinance, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Board within one year of the date they were appropriated into the Trust, remain Trust property.

(B) Custodian. The Town of Watertown Treasurer/Collector shall be the custodian of the Housing Trust's funds. The Treasurer/Collector shall invest the funds in the manner authorized by state statute. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust. Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of MGL c. 44, § 55C.

§ __-.10 REPORTS AND ACCOUNTS OF THE TRUSTEES

(A) Accounts. The books and records of the Trust shall be maintained by the Town Treasurer/Collector and audited annually by an independent auditor in accordance with accepted accounting practice. This audit may be part of the annual Town audit.

(B) Reporting. The Trustees shall make an annual report to the Town. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. Such report shall be sent to the Manager not later than December 31 in each year, and a copy thereof shall be filed with the Department of Community Development and Planning. The Trustees shall also provide the Town Council with a copy of the Housing Trust's annual audit.

§ __-.11 AMENDMENTS

The provisions of this Ordinance may be amended from time to time except as to those provisions specifically required under MGL c. 44, § 55C and/or under Town of Watertown ordinances, by an instrument in writing signed by all the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and/or filed with the Land Registration Office.

§ __-.12 DURATION OF THE TRUST

The Trust shall be of indefinite duration, unless terminated by a majority vote of the Town Council in accordance with MGL c.4, § 4B, provided that an instrument of termination together with a certified copy of the Town Council vote are duly recorded and/or filed with the Registry. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust, the net assets of the Trust shall be transferred to the Town and held by the Town Council for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval

of the Town Council, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

§ ___-.13 DECLARATION OF TRUST

The Trustees are authorized to execute a Declaration of Trust and Certificates of Trust for the Watertown Affordable Housing Trust, consistent with MGL c. 44, § 55C and this ordinance to be recorded with the Middlesex South District Registry of Deeds and filed with the Middlesex South Registry District of the Land Court.

Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Ordinance was adopted by a roll call vote of ___ for, ___ against, and ___ present on November __, 2021.

Marilyn W. Pronovost, Council Clerk

Mark S. Sideris, Council President

An Order dissolving the Watertown Housing Partnership

§ ___-.01 DECLARATION OF INTENT

Whereas, safe, healthy and financially affordable housing is a critical need within the Town of Watertown and throughout the Greater Boston region; and

Whereas, the Housing Plan adopted by the Town of Watertown in March 2021 documented the need to create and preserve more affordable housing within the Town; and

Whereas, the Watertown Housing Partnership has led the Town’s efforts to create affordable housing and has earned the community’s appreciation for its hard work and key role in the progress the Town has achieved; and

Whereas, the WHP recommended the formation of a municipal affordable housing trust under MGL c. 44, § 55C, as a logical next step in Watertown’s efforts;

Whereas, the Watertown Affordable Housing Trust (the “Trust”) has been established in accordance with MGL c. 44, § 55C; and

Whereas, it is the intent of this Order to dissolve the Watertown Housing Partnership and to transfer its powers and duties to the Watertown Affordable Housing Trust.

Now, therefore, the City known as the Town of Watertown orders as follows:

TRANSFER OF RESPONSIBILITIES FROM THE WATERTOWN HOUSING PARTNERSHIP

All responsibilities of the Watertown Housing Partnership shall be transferred to the Trust upon the recording of an executed declaration of trust at the registry of deeds. Said responsibilities include its administration of certain affordable housing accounts held by the Town or the WestMetro HOME Consortium, its role as an advisor to the Planning Board, Zoning Board of Appeals, Town Manager and Town Council with respect to housing matters and inclusionary zoning (Section 5.07), and its overall role in promoting the creation and preservation of affordable housing. Within 10 days after said recording of the Trust instrument, the Watertown Housing Partnership shall dissolve and terminate. After the Watertown Housing Partnership is dissolved, all references to the Partnership in Ordinances, including Section 5.07 of the Zoning Ordinance, shall mean the Trust.

ADMINISTRATION OF AFFORDABLE HOUSING ACCOUNTS

The Trust is hereby authorized to control the following accounts held by the Town Treasurer: the Affordable Housing Fund established to accept payments in lieu of the provision of inclusionary units; and the Community Development Block Grant account established for program income earned by the Town in connection with home buyer and home owner assistance. The Trust is hereby authorized to requisition and use funds held by the WestMetro HOME Consortium as program income earned by the Town in connection with past HOME projects. The Town shall continue to have the authority to requisition and use funds designated by the U.S. Department of Housing and Urban Development as the Town’s annual HOME allocation.

Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a roll call vote of ___ for, ___ against, and ___ present on November __, 2021.

Marilyn W. Pronovost, Council Clerk

Mark S. Sideris, Council President

Firms' Background and Qualifications

Karl F. Seidman Consulting Services advises public and private sector clients on the planning, implementation, and evaluation of economic development strategies and programs and on the analysis, planning and financing of real estate development projects. The firm's capabilities include:

- commercial district planning and revitalization
- economic development planning and strategy formulation
- industry and market analysis
- program design and evaluation
- real estate development market analysis, finance and feasibility analysis
- technical assistance and training

Since its formation in mid-1995, Karl F. Seidman Consulting Services has completed over 100 projects for federal and state government agencies, foundations, local governments, non-profit organizations, and private corporations and developers. Karl F. Seidman was Senior Lecturer in Urban Studies and Planning at the Massachusetts Institute of Technology for 25 years where he taught classes in Economic Development Finance, Economic Development Planning and Revitalizing Urban Main Streets. Mr. Seidman previously served as Deputy Director and Chief Financial Officer of the MassDevelopment, a state agency that finances and manages redevelopment projects.

ConsultEcon, Inc. is a Massachusetts company based in Cambridge, MA established in 1991 to provide services to public and private clients in community planning, economic development, real estate, adaptive reuse, visitor attractions and tourism. The company's services include market and financial feasibility studies, strategic business and master plans, development and implementation strategies, and economic and fiscal impact analysis. The staff has many years of experience serving a wide range of clients, including local and state agencies, developers, financial and educational institutions, and non-profit organizations. Since its founding, the firm has completed over 1,000 assignments, including over 100 projects in Massachusetts cities and towns, that relate to many issues relevant to new development, fiscal and economic impact analysis, and project feasibility. In association with Karl F. Seidman Consulting Services, it has provided similar nexus studies for the cities of Cambridge, Somerville, Boston, and Everett. More information about the company is available at www.consultecon.com.