

**To:** Town of Seekonk Planning Board; Town Planner, John Hansen

**From:** Sandy Conaty and Grant King, Southeastern Regional Planning and Economic Development District (SRPEDD)

**Date:** 06/04/12

**Re:** SCR Technical Assistance; Seekonk Inclusionary/Incentive Zoning Bylaw project

**Summary:** Working closely with the Seekonk Town Planner, John Hansen, SRPEDD has explored four common mechanisms for adding an Inclusionary Zoning or Incentive Zoning provision to the Town of Seekonk's zoning bylaws. Inclusionary Zoning bylaws are intended to mandate that affordable housing be included in developments that exceed a certain size. Incentive Zoning bylaws are intended to use density bonuses to incentivize the voluntary provision of affordable housing.

**Four Possible Mechanisms:**

*By Right, Mandatory:* The Town of Mansfield uses this traditional "Inclusionary Zoning" approach (along with other municipalities across the Commonwealth). The bylaw is triggered by development projects that exceed a certain size threshold in terms of number of units. Please see the attached matrix for an exploration of this type of mechanism. POSSIBLE.

*By Right, Voluntary:* The "by right" component of this approach appears to run contrary to Chapter 40A, Section 9, paragraph 2. Moreover, SRPEDD found no examples of this type of mechanism in the Commonwealth. NOT PREFERRED.

*Special Permit, Mandatory:* This "mandatory special permit" approach to an Inclusionary Zoning bylaw is similar to the one voided by the Massachusetts Superior Court in the *Wall Street Development Corporation v. Planning Board of Westwood* case (2008). While there are many examples of this approach, they may not withstand legal challenge in light of *Wall Street*. NOT PREFERRED.

*Special Permit, Voluntary:* This "Incentive Zoning" approach appears to be an option utilized by the City of Worcester and other municipalities. SRPEDD explored this option by amending the Town's existing Conservation Subdivision bylaw. Please see the attached matrix for an exploration of this type of mechanism. POSSIBLE.