

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. *Purpose and Findings*- The city of Medford is undergoing a period of substantial growth in new, expanded, enlarged and rehabilitated residential, commercial and industrial structures. This growth has resulted in numerous direct and indirect impacts on the city and its ability to adequately address those impacts due to the influx of people that move to Medford to live and work in these new developments. The city has experienced development related impacts requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on city facilities and infrastructures such as water and sewer lines; increased need for capital improvements to its parks, playgrounds and other recreational facilities and the need for providing affordable housing for its residents. Development related impacts must be paid for by fair share exactions from developers so that the city can provide adequate services and infrastructure to support future development.

SECTION 2. *Establishment of a Linkage Exaction Ordinance* - (A) The city council of the city of Medford may, by ordinance, require the payment of a linkage exaction as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the jurisdiction of this act. The linkage exaction shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require some form of zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(B) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the city, the impacts of future development and the need for public facility improvements as a result of future development. Any exaction which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction shall be established on the basis of the cost projections in the capital improvement plans and study as described in clause (2) of subsection B of section two and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in clause (1) of subsection B of section two for necessary improvements resulting from future development. No exaction shall be paid to the city's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.

(5) The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account, provided that the applicant or his assigns submits an application for a refund to the office of community development within one hundred and eighty days of the expiration of the six year period.

SECTION 3. This act shall take effect upon its passage.

Approved November 7, 1989.

**Chapter 489. AN ACT AUTHORIZING THE TOWN OF DIGHTON TO
RAISE CERTAIN DEFICITS OVER A PERIOD OF YEARS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Dighton is hereby authorized to carry its overlay deficit and appropriation deficit, as it existed as of June thirtieth, nineteen hundred and eighty-nine, and to raise said overlay deficit and appropriation deficit on the following ratio: one-third of said deficits in fiscal nineteen hundred and ninety, one-third of said deficits in fiscal nineteen hundred and ninety-one, and the remaining of said deficits in fiscal nineteen hundred and ninety-two.