

## 5. Population & Housing

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### Introduction

Housing is a community's most important man-made asset because a place is not a community unless it has residents. For most municipalities engaged in a master plan process today, the recurring irony about housing is that residents think their towns already have too many homes. Concerned about losing open space and financing the cost of public schools, citizens and town officials seek ways to contain housing growth yet in many cases

the techniques they choose merely exacerbate the problems they had hoped to avoid. A second universal challenge to master plans is housing affordability. Since very few communities have adopted zoning bylaws that produce affordable homes, the only available device in most cities and towns is the comprehensive permit under Chapter 40B – a device that remains highly controversial throughout the Commonwealth. A third master plan challenge is whether a community's zoning regulations encourage or restrict housing that responds to the needs of current and future households.

All of these challenges seem to exist in Tewksbury, a mature suburb with single-family homes that range from modest to upper-end, and a higher percentage of condominiums and apartments than can be found in most towns nearby. Years ago, Tewksbury residents adopted zoning to allow a mix of housing types and as a result, the town offers housing choices that are unavailable in many Middlesex County suburbs. In addition, the town has historically been affordable to households that could not purchase or rent a home elsewhere in the region, yet its affordability appears to be acquiescing to the same market pressures that have pushed sale prices and rents out of reach for households everywhere, especially in Eastern Massachusetts. Like other communities that are trying to plan for their future, Tewksbury faces difficult housing policy choices that relate inextricably to all other elements of the master plan.

### Population Characteristics

Tewksbury is a middle-income suburb of 28,851 people. Its reasonably affordable home prices, supply of family housing units and convenient highway access all make the town very attractive to working people in search of a place to raise their children. In fact, more than 75% of Tewksbury's 9,971 households are families: households of persons related by



New single-family homes in Tewksbury. Photo by Mary Coolidge, 2002.

blood or marriage.<sup>1</sup> About 37% of all households in Tewksbury have children under 18, placing the town somewhat above the state as a whole (31%) but lower than many of the Commonwealth’s high-growth communities along the I-495 corridor. Though the town’s population is hardly homogenous, a majority of its residents live in traditional neighborhoods of single-family homes. Household size varies across the town and is somewhat higher in new neighborhoods, but community-wide, the average owner-occupant household includes 2.9 people – higher than the statewide norm – and the average renter-occupant household, 2.08 people, which is somewhat lower than the statewide norm. Table 1 compares basic household characteristics in Tewksbury, its surrounding region and the Commonwealth.<sup>2</sup>

**Table 1: Population and Household Characteristics**

	Population	% <18	% 65+	Households	Family Households	% Family Households
Andover	31,247	28.8%	12.3%	11,305	8,490	75.1%
Billerica	38,981	25.7%	8.4%	12,912	10,245	79.3%
Chelmsford	33,858	25.0%	13.0%	12,812	9,307	72.6%
Dracut	28,562	25.5%	11.6%	10,451	7,736	74.0%
Dunstable	2,829	31.1%	6.8%	923	798	86.5%
Lowell	105,167	26.9%	10.8%	37,887	23,982	63.3%
Pepperell	11,142	30.6%	7.5%	3,847	3,016	78.4%
TEWKSBURY	28,851	25.0%	11.5%	9,971	7,695	77.2%
Tyngsborough	11,081	30.3%	6.6%	3,731	2,949	79.0%
Westford	20,754	31.8%	7.2%	6,808	5,806	85.3%
Wilmington	21,363	27.6%	10.8%	7,027	5,777	82.2%
Lowell PMSA	301,686	27.1%	10.1%	106,424	77,585	72.9%
Massachusetts	6,349,097	23.6%	17.3%	2,443,580	1,587,537	65.0%

Source: Bureau of the Census, Census 2000, Summary File 1, Table DP-1.

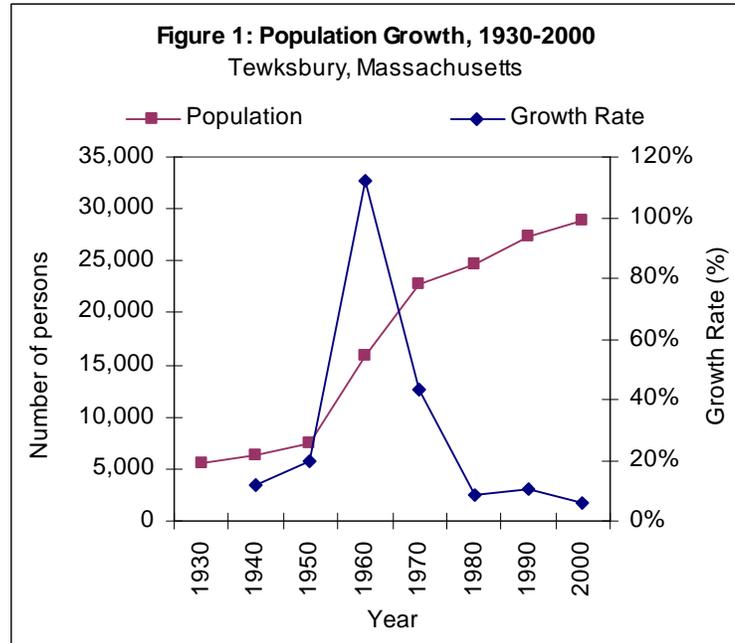
<sup>1</sup> In federal census terminology, “household” means one or more persons occupying a separate housing unit. By definition, the number of occupied housing units and the number of households in a community are the same. There are two classifications of “household.” A “family” is a household of two or more persons related by blood or marriage, and a “non-family household” is a household of one or more *unrelated* persons. Non-family households do not include populations living in group quarters or shared housing facilities.

<sup>2</sup> Unless noted otherwise, “region” means the Lowell Primary Metropolitan Statistical Area (PMSA), which is nearly the same as the regional planning area covered by the Northern Middlesex Council of Governments (NMCOG). The Lowell PMSA includes one New Hampshire community (Pelham).

### Population Growth

Tewksbury's population increased by 5.8% during the past decade, about the same as the state's rate of population growth but lower than that of several nearby towns. As shown in Figure 1, Tewksbury experienced rapid, sustained growth between 1950-1970, a period that coincides with the development of modern regional highways and a corresponding expansion of the Eastern Massachusetts economy. Nearly 34% of the town's present housing inventory and much of its

suburban infrastructure were built during that era.<sup>3</sup> After 1970, Tewksbury witnessed a sharp decline in its decennial rate of population change even though the town continued to add a large number of new homes. The national trend toward smaller households and Tewksbury's remarkably low rate of housing unit turnover converged to keep population growth low. Table 2 compares Tewksbury's 1940-2000 population history to regional and state trends.



**Table 2: Population Growth, 1940-2000**

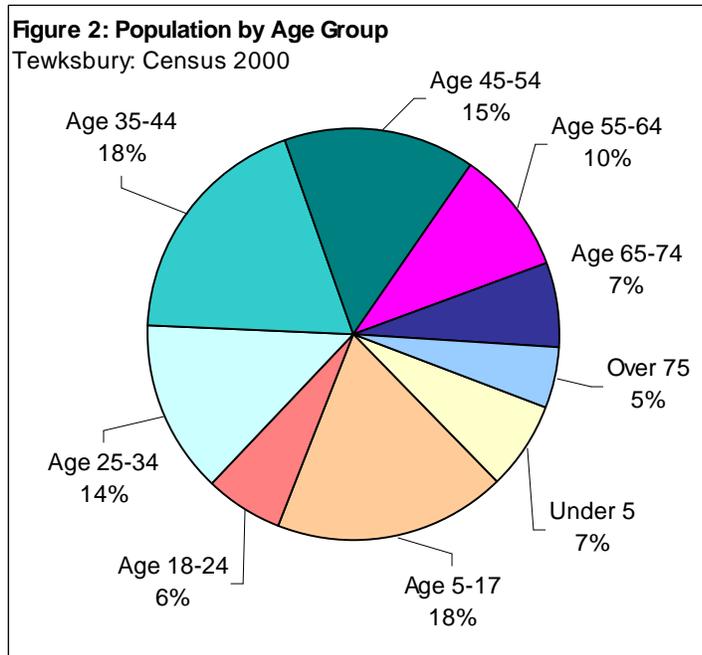
Area	1940	1960	1980	2000	% Change 1980-2000
Andover	11,122	15,878	26,370	31,247	18.5%
Billerica	7,933	17,867	36,727	38,981	6.1%
Chelmsford	8,077	15,130	31,174	33,858	8.6%
Dracut	7,339	13,674	21,249	28,562	34.4%
Dunstable	447	824	1,671	2,829	69.3%
Lowell	101,389	92,107	92,418	105,167	13.8%
Pepperell	3,114	4,336	8,061	11,142	38.2%
TEWKSBURY	6,261	15,902	24,635	28,851	17.1%
Tyngsborough	1,634	3,302	5,683	11,081	95.0%
Westford	3,830	6,261	13,434	20,754	54.5%
Wilmington	4,645	12,475	17,471	21,363	22.3%
Massachusetts	4,316,721	5,148,578	5,737,037	6,349,097	10.7%

Source: Massachusetts Institute for Social and Economic Research (MISER).

<sup>3</sup> Bureau of the Census, Census 2000 Summary File 3, Table DP-4, American FactFinder [database online], on INTERNET at <<http://www.census.gov>> [cited 11 December 2002].

Population Age

Tewksbury’s population stability is evident in the age profile of its residents. Unlike the experience statewide, the elderly as a percentage of Tewksbury’s population increased from 9.4% in 1990 to 11.5% in 2000 (see Figure 2.) In absolute terms, the elderly population in Tewksbury increased by 746 people, or an unusually high 22.5% – mainly among persons between 75-84 years of age. However, the population of persons under 18 rose by 7.8% between 1990-2000, yet across the state, the under-18



population increased by 10.9%. Like the state as a whole, most of Tewksbury’s under-18 population growth occurred among persons between 5-17 years of age while the pre-school population declined by 4.7%.<sup>4</sup> Table 3 presents a detailed breakdown of 1990-2000 population change by age group in Tewksbury.

**Table 3: Population Change by Age Group**

Age Cohort	1990	2000	% Age Cohort Change	1990	2000	% Change	
Under 5	2,120	2,020	-4.72%	Age 45-54	2,999	4,285	42.9%
Age 5-17	4,568	5,193	13.7%	Age 55-64	2,352	2,801	19.1%
Age 18-24	2,764	1,787	-35.4%	Age 65-74	1,559	1,926	23.5%
Age 25-34	5,343	3,917	-26.7%	Over 75	1,006	1,385	37.7%
Age 35-44	4,555	5,537	21.6%				
<b>Total Population</b>	<b>27,266</b>	<b>28,851</b>	<b>5.81%</b>				
<b>% Population &lt;18</b>			<b>% Population &gt;65</b>				
Tewksbury	24.53%	25.00%	Tewksbury	9.41%	11.48%		
Massachusetts	22.50%	23.60%	Massachusetts	13.60%	13.50%		

Source: Bureau of the Census, 1990 Census of Population and Housing, Summary File 1, Table P-11; Census 2000, Summary File 2, Table PCT-1.

<sup>4</sup> Census 2000, Summary File 2.

Labor Force, Education & Employment

Approximately 71% of Tewksbury's over-16 population is in the labor force. Despite the size of the town's employment base, most workers commute to jobs in Lowell, Lawrence and other large employment centers nearby, or Boston.<sup>5</sup> While Tewksbury's labor force profile is similar to that of the state as a whole, there are noteworthy differences. About 17% of all local workers depend on manufacturing employers for their livelihood, in contrast to 12% statewide, and a much lower percentage of Tewksbury residents work in education, health and social services – 18.6% – than the percentage of residents across the Commonwealth, 23.7%. In addition, self-employment is less prevalent in Tewksbury and a smaller share of the labor force holds a local, state or federal government job.

The employment characteristics of Tewksbury workers seem to correlate with their educational backgrounds. One-fourth of the town's adult population holds a bachelor's degree or higher, but college-educated persons constitute 33% of the state's adult population.<sup>6</sup> This and other differences in educational attainment probably contribute to the somewhat lower percentages of Tewksbury residents in fields such as medicine, law, education, social services, engineering and related disciplines. Relative to the rest of the Commonwealth, Tewksbury residents tend to work in skilled or semi-skilled occupations for manufacturing, construction, wholesale trade and service industry employers. On average, men in Tewksbury with full-time jobs earn \$50,296 per year, or about 1.17 times the mean earnings of employed men throughout Massachusetts, and women with full-time jobs, \$33,918, or 1.06 times the mean earnings of employed women across the state.<sup>7</sup> However, these characteristics pertain to the town as a whole. In general, Tewksbury's younger employed adults tend to have higher levels of education and higher-paying jobs than many of the town's older workers and homeowners. Similar differences can be seen at the neighborhood level.

Race, Ethnicity and National Origin

Tewksbury residents are primarily white (96.4%) and of Irish, Italian and English descent. Among racial minority groups, the Asian population is Tewksbury's largest (1.6%) and it is comprised mainly of Asian Indian and Chinese persons. Slightly over one percent of the town's current population is Hispanic.<sup>8</sup>

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<sup>5</sup> Nearly 78% of the town's labor force commutes more than 15 minutes to work each day, for an average of 29 minutes, and 86% travel by car.

<sup>6</sup> Census 2000, Summary File 3, Table DP-3: Massachusetts.

<sup>7</sup> Census 2000, Summary File 3, Tables DP-2, DP-3, P-49, P-50 and P-51: Tewksbury, Lowell PMSA, Massachusetts. Note: median earnings by sex for all adult workers in Tewksbury are somewhat lower, in part because not all adults work full-time and in part because not all adults work year-round. For all men with earnings, the median is \$44,382 and for women, \$26,928. Source: Summary File 3, Table P-85.

<sup>8</sup> Census 2000, Summary File 1, Table DP-1: Tewksbury.

Household Income

Traditional measures of population wealth underscore Tewksbury's predominantly middle-class make-up. According to recent federal census data, Tewksbury's median household income of \$68,800 ranks 77 out of 351 cities and towns in the Commonwealth.<sup>9</sup> Though its income rank is lower today than in 1980 (48), the difference reflects demographic changes within Tewksbury as well as the redistribution of income throughout Eastern Massachusetts, a trend caused by new, high-end suburban development along portions of I-495. A higher percentage of local households have incomes between \$75,000-\$150,000 than is the case statewide, but the percentage of households with incomes over \$200,000 is much smaller in Tewksbury – 1.5% – and their aggregate income is a modest 8% of the town's aggregate income.<sup>10</sup> In short, there is somewhat less class differentiation in Tewksbury than in many communities across the state, urban or rural. Its residents tend to be middle-income, working people, and women contribute significantly to the earned income of their households. More than 64% of the town's women are in the labor force in contrast to 60% of women statewide.<sup>11</sup> Table 4 provides comparison data on several income indicators for Tewksbury and surrounding communities, while Figure 3 compares the distribution of household income in Tewksbury and the Commonwealth.

**Table 4: Population and Household Wealth**

Area	Median Household Income	Per Capita Income	Average Single-Family Home Value (FY03)	Equalized Valuation Per Capita (2002)
Andover	\$87,683	\$41,133	\$469,998	\$178,886
Billerica	\$67,799	\$24,953	\$261,370	\$104,319
Chelmsford	\$70,207	\$30,465	\$280,991	\$115,249
Dracut	\$57,676	\$23,750	\$225,425	\$68,039
Dunstable	\$86,633	\$30,608	\$300,422	\$122,779
Lowell	\$39,192	\$17,557	\$158,480	\$39,254
Pepperell	\$65,163	\$25,722	\$222,852	\$77,567
TEWKSBURY	\$68,800	\$27,031	\$215,482	\$104,119
Tyngsborough	\$69,818	\$27,249	\$227,865	\$90,865
Westford	\$98,272	\$37,979	\$347,271	\$135,071
Wilmington	\$70,652	\$25,835	\$222,379	\$117,468
Lowell PMSA	\$57,152	\$24,430		
Massachusetts	\$50,502	\$25,952		

Sources: Bureau of the Census, Mass. Department of Revenue.

<sup>9</sup> Census 2000, Summary File 3, Table P-53: Massachusetts, Counties, and County Subdivisions (All), ranked by author.

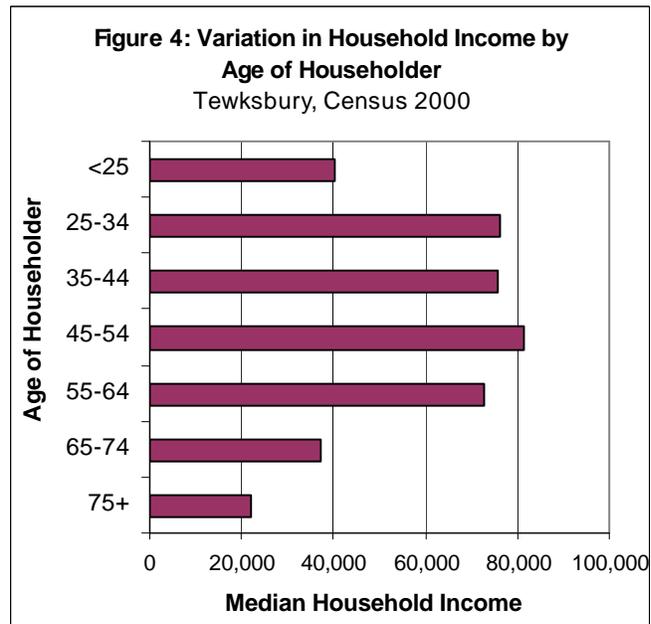
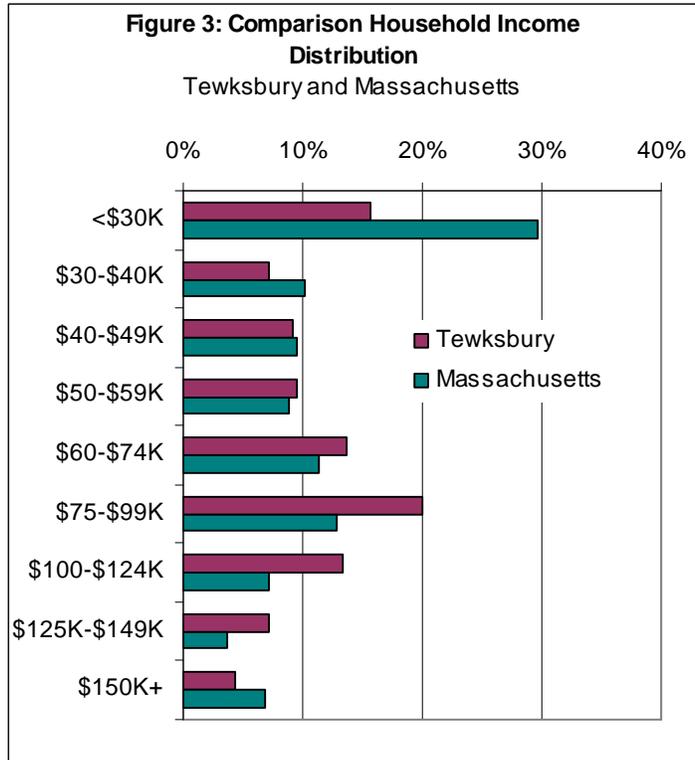
<sup>10</sup> Census 2000, Summary File 3, Table P-54: Massachusetts, Tewksbury.

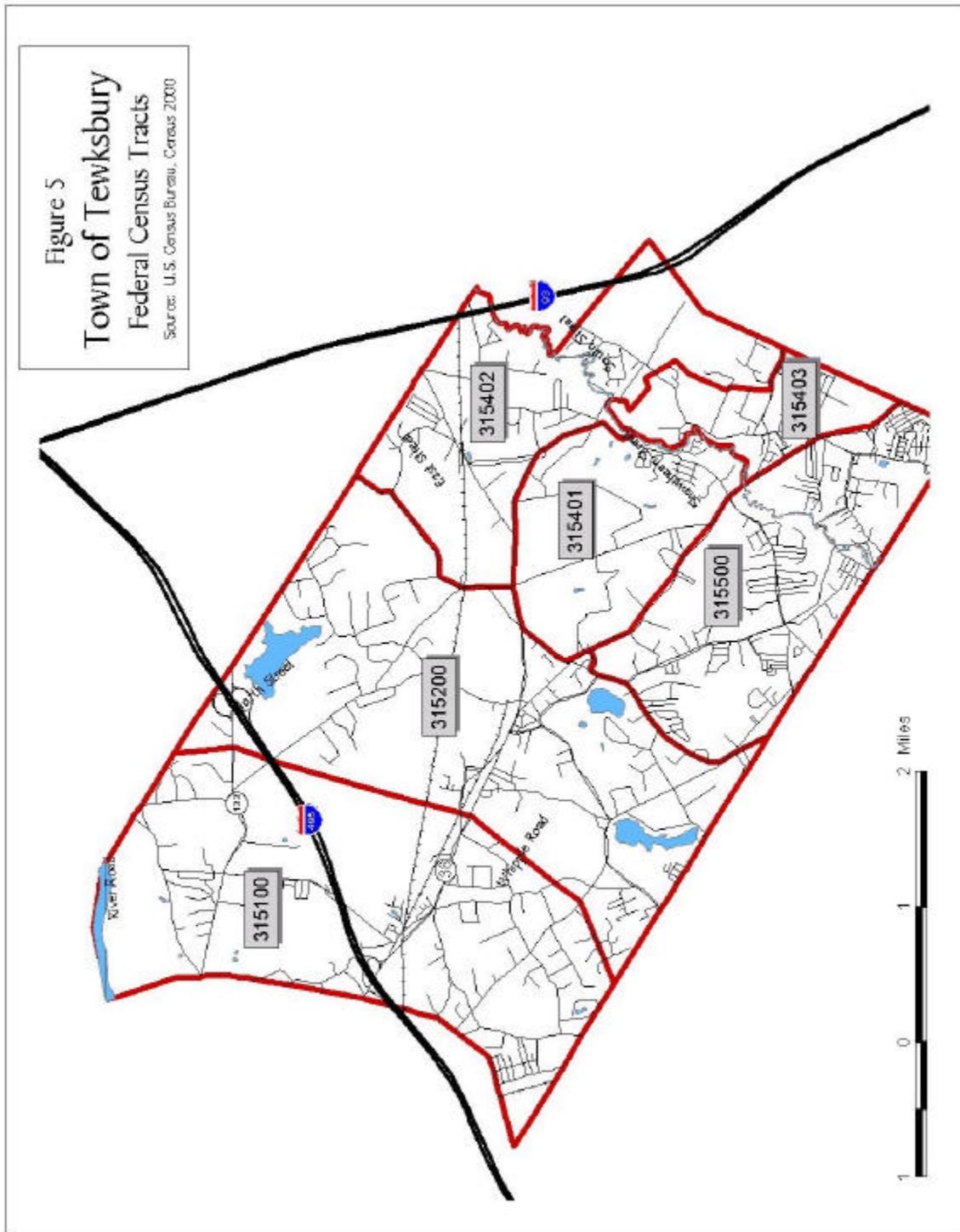
<sup>11</sup> Census 2000, Summary File 3, Tables DP-3, P-49, P50, P51.

Household incomes vary by population age in Tewksbury, just as they do everywhere. Both senior citizens (often but not always retired) and young citizens starting out in their careers have considerably less income than middle-aged residents, in fact the town's highest-income age group, households headed by persons 45-54 years of age, have nearly four times the annual income as households headed by persons over 75. Similarly, family households tend to enjoy a higher standard of living than non-family households. In Tewksbury, the median family income of \$76,443 is nearly twice the median income of non-family households. Figure 4 compares household incomes of Tewksbury residents by age of householder.

Neighborhood Demographics

The socio-economic position of Tewksbury households seems fairly consistent when viewed on a town-wide basis, yet noteworthy differences exist between neighborhoods. Household incomes vary by section of town, and these income distinctions correlate with other population characteristics: length of residency, household size and composition, education and employment, housing tenure and the age and value of residential property. Not surprisingly, areas with newer single-family homes tend to be more affluent than Tewksbury's mature neighborhoods. Measured by federal census geography, Census Tracts 3151, 3154.02 and portions of 3152 (see Fig. 5) are home to most of Tewksbury's upper-middle-income households. Several neighborhoods in these sections of town exceed the community as a whole in four related indicators of population wealth: median household income, residential property values, percentage of family households, and percentage of single-family homes.





During the past 15 years, the same areas also absorbed relatively high rates of single-family home development compared to the rest of Tewksbury, and high rates of housing unit turnover. Table 5 compares Census Tracts 3151, 3152 and 3154.02 to Tewksbury overall on several commonly considered demographic measures.

**Table 5: Comparison Demographic Data by Selected Census Tracts**

Item	Census Tracts		
	3151	3152*	3154.02
Median Household Income	\$ 78,724	\$ 82,949	\$ 81,024
Median Home Value	\$ 221,300	\$ 236,900	\$ 207,600
% Family Households	84.2%	79.0%	88.3%
% Single-Family Homes	81.9%	65.6%	95.8%
% New Owner-Occupants Since 1990	47.6%	50.0%	42.5%
% Households w/ Children <18	40.8%	33.7%	44.7%
Average Household Size	2.96	2.70	3.00

Source: Census 2000, Summary File 3, Tables P-10, P-24, P-53, H-38: Middlesex County Census Tracts 3151, 3154.02, and \*3152, Block Group 9 only.

Despite their many similarities, households in these three census tracts differ in some important ways. For example, among married-couple families, the percentage of working wives is much higher in Census Tract 3154.02 than in other tracts. In contrast, Census Tract 3151 has the highest percentage of households with annual incomes over \$200,000 (4.6%), and their share of aggregate household income is significantly higher (20.2%) than any other section of Tewksbury.

A majority of Tewksbury's recent housing unit growth has occurred in portions of North Tewksbury and areas east and south of Tewksbury Hospital. Many of the newer homes are common-wall or multi-family housing units, offering homebuyers an alternative to single-family homes on one hand and increasing the town's rental housing inventory on the other. The significant number of multi-family condominiums built in Tract 3141.01 during the past 10-12 years sheds light on why over half of the homeowners in that part of town moved into their current residence after 1995, a condition that differs markedly from the pattern of long-term homeownership in many neighborhoods throughout Tewksbury. Similarly, 43% of all occupied dwelling units in Tract 3152 were built between 1990-2000, many in rental or condominium developments. The sizeable inventory of attached housing units in these sections of Tewksbury, including many age-restricted apartments and units at Tewksbury Hospital,<sup>12</sup> contributes to the comparatively smaller average household sizes in Census Tracts 3152 and 3154.01, as suggested in Table 6.

<sup>12</sup> The Tewksbury Hospital compound includes institutional "group quarters" or shared living facilities, and 132 housing units that the Census Bureau classifies as renter-occupied housing. Population statistics for Census Tract 3154.01 include all persons residing at Tewksbury Hospital, but housing unit and income statistics include only those persons living in the 132 renter-occupied units.

**Table 6: Comparison Demographic Data by Selected Census Tracts**

Item	Census Tract 3152		3154.01
	Block Group 1	Block Group 3	
Median Household Income	65,313	50,417	62,171
Median Home Value	210,100	195,500	173,600
% Family Households	69.0%	66.1%	60.9%
% Single-Family Homes	74.8%	52.2%	48.0%
% New Owner-Occupants Since 1990	44.9%	50.6%	66.9%
% Households w/ Children <18	39.2%	26.3%	24.0%
Average Household Size	2.72	2.42	2.34

Source: Census 2000, Summary File 3, Tables P-10, P-24, P-53, H-38: Middlesex County Census Tracts 3154.01 and 3152, Block Groups 1 and 3.

Most of Tewksbury's mature neighborhoods are in Census Tracts 3154.03 and 3155, including South Tewksbury. Of all neighborhoods, South Tewksbury's have the highest percentage of elderly homeowners, a significantly higher percentage of long-time residents and not surprisingly, a substantial share of the town's older housing stock. For example, Census Tract 3155 contains 44% of all Tewksbury homes that pre-date 1960. Households in South Tewksbury have a higher percentage of grandparents living in the same home with grandchildren under 18 – 5.6% of the over-30 population – than any other section town.<sup>13</sup> It is more densely developed and populated than other parts of town, and many of its homes are modest and somewhat smaller. The age of its residents and relatively accessible home prices most likely account for the lower household and family incomes that distinguish portions of Census Tracts 3154.03 and 3155 from the town as a whole. During the past decade, the rate of turnover in housing ownership began to climb in some South Tewksbury neighborhoods. Though its population is comparatively stable, Table 7 shows that about 35% of South Tewksbury's homeowners moved into their present home between 1990-2000.

**Table 6: Comparison Demographic Data by Selected Census Tracts**

Item	Census Tract	
	3154.03	3155
Median Household Income	\$ 70,721	\$ 63,068
Median Home Value	\$ 210,800	\$ 182,800
% Family Households	83.0%	83.8%
% Single-Family Homes	83.9%	90.1%
% New Owner-Occupants Since 1990	35.1%	38.5%
% Households w/ Children <18	39.4%	42.4%
Average Household Size	2.99	3.04

Source: Census 2000, Summary File 3, Tables P-10, P-24, P-53, H-38: Middlesex County Census Tracts 3154.03 and 3155.

<sup>13</sup> Town-wide, grandparents living the same home with grandchildren are 3.4% of the total population over 30 years of age. Tewksbury's experience matches the region's (3.4%), which exceeds the Commonwealth as a whole, 2.6%. Source: Census 2000, Table PCT-8.

## Housing Characteristics

### Housing Stock

The styles, age, quality and location of homes say a great deal about the physical evolution of cities and towns while providing insight into the economic position of present-day households. The 10,158 housing units in Tewksbury today represent a 94% increase over the number of homes that existed when the first master plan was written in the early 1970s. Though the town absorbed a large amount of residential development over the past 30 years, the changes that occurred in the composition of Tewksbury's housing stock are as significant as its overall volume of residential growth. A number of apartment complexes and condominiums have been developed in Tewksbury since the early 1970s, providing housing choices that previously did not exist. They changed the town's housing stock in important ways and distinguish Tewksbury from many suburbs that all but banned multi-family housing during the last decades of the 20<sup>th</sup> century. About 22% of all housing units in Tewksbury today are in two-, three- or multi-family buildings, and 1% consists of mobile homes. These types of housing, together with the town's supply of modest, older single-family homes, help to make Tewksbury affordable to many people for whom Middlesex County housing costs are a significant barrier.

Compared to most communities in the region, Tewksbury's housing stock is fairly new. Only 9% of the town's existing dwelling units pre-date 1939 and nearly 13% were built during the 1990s. Over half of the entire housing inventory was developed between 1950-1970, Tewksbury's peak population growth era. In contrast, Tyngsboro and Westford experienced much higher rates of new-home construction in the past decade, as shown in Table 8. However, the vast majority of these new units are single-family homes. Tewksbury absorbed a considerable share of the region's demand for multi-family housing, second only to Chelmsford and Lowell.

**Table 8: Household and Housing Unit Growth in Tewksbury Region**

	<u>Households</u>			<u>Housing Units</u>		
	1990	2000	% Change	1990	2000	% Change
Andover	10,415	11,305	8.5%	10,892	11,590	6.4%
Billerica	11,695	12,912	10.4%	12,005	13,071	8.9%
Chelmsford	11,453	12,812	11.9%	11,815	13,025	10.2%
Dracut	8,992	10,451	16.2%	9,279	10,643	14.7%
Dunstable	692	923	33.4%	737	944	28.1%
Lowell	37,019	37,887	2.3%	40,302	39,468	-2.1%
Pepperell	3,385	3,847	13.6%	3,505	3,917	11.8%
TEWKSBURY	8,711	9,971	14.5%	8,950	10,158	13.5%
Tyngsborough	2,823	3,731	32.2%	3,033	3,806	25.5%
Westford	5,316	6,808	28.1%	5,530	6,941	25.5%
Wilmington	5,551	7,027	26.6%	5,666	7,158	26.3%
Region	106,052	117,674	11.0%	111,714	120,721	8.1%
Massachusetts	2,247,110	2,443,580	8.7%	2,472,711	2,621,989	6.0%

Source: 1990 Census of Population and Housing, Census 2000, Summary File 3, Tables DP-1 and DP-3.

The types of homes in Tewksbury today provide variety that is noticeably absent in many of the Commonwealth's suburbs. Consistent with local zoning policies, single-family homes constitute a significant majority of all housing units in Tewksbury and 84% of the units occupied by homeowners. The remaining ownership units represent a mix of attached housing types, from duplexes to garden-style condominiums. Though Tewksbury has a number of modest homes, many of which were built just before and after World War II, there is little evidence of distressed or substandard housing stock – units that are in serious disrepair, overcrowded, or lacking in such basic features as modern plumbing and heating systems. New single-family homes in Tewksbury contain an average of 2,205 ft<sup>2</sup> of living area: larger than homes built 30 years ago (1,503 ft<sup>2</sup>), and nearly twice the size of houses typically found in subdivisions developed during the 1950s.<sup>14</sup> Predictably, Tewksbury's newer housing stock offers more amenities and rooms. For example, the median number of rooms in recently built homes is 7.3 and in homes built 50 years ago, 5.8. More than 26% of all housing units in Tewksbury have eight or more rooms, as would be expected for a town with a large inventory of fairly new homes.<sup>15</sup>

### Neighborhood Housing

Just as Tewksbury's population and household characteristics vary by neighborhood, so do its housing and residential development characteristics. For example, the density of residential land use in Tewksbury is about .77 units per acre for the town as a whole,<sup>16</sup> but older neighborhoods tend toward higher-density development largely because they pre-date the zoning bylaw. In other cases the density varies because whether through zoning or comprehensive permits, some neighborhoods have more small-lot single-family development or multi-family housing. Table 9 summarizes pertinent comparison data for the five federal census tracts in Tewksbury.

### Housing Market

For many Tewksbury residents, their home is a cherished and valuable asset. More than 30% of the town's present households moved into their current home after the market rebounded from the recession of the early 1990s, and those who bought a new house after 1995 paid an average of \$298,000 for it. Although Tewksbury's housing market is competitive, its home prices did not escalate at the pace experienced by many communities in Eastern Massachusetts during the 1990s, yet the purchase price of both single-family homes and condominiums has climbed significantly since then. Between 1990-2000, the median single-family sale price in Tewksbury rose by 49%, only to increase by another 20% in the past two years. Condominium prices have been similarly affected. After four years of decline in the early 1990s, condominium sales began to recover in 1994. By 1999, the median

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<sup>14</sup> Tewksbury Assessor's Office, "FY02 Parcel Report List," in EXCEL format [rptListByMLU.xls], 17 October 2002.

<sup>15</sup> Census 2000, Summary File 3, Tables H23-H24.

<sup>16</sup> Note: .77 units/acre is based on total land area. If measured against upland area only, one block group in Census Tract 3151 has the town's highest-density development because it includes most of the Great Swamp.

price of a condominium in Tewksbury had increased by 52% over the course of the decade – and by another 23% between 2000-2002.<sup>17</sup>

**Table 9: Comparison Housing Data by Census Tract**

	Census Tract					
	3151	3152	3154.01	3154.02	3154.03	3155
Land Area (Mi <sup>2</sup> )	5.7	5.9	1.9	3.0	1.0	3.2
Population Density	929.2	1,229.8	1,897.6	963.0	1,872.9	2,491.0
Housing Units	1,784	2,708	1,312	955	601	2,611
Owner-Occupied	1,669	2,211	1,099	894	544	2,485
% Built 1990-2000	10.7%	13.9%	23.8%	7.5%	3.1%	5.5%
Renter-Occupied	115	497	213	61	57	126
% Built 1990-2000	0.0%	45.3%	19.2%	0.0%	36.8%	27.0%
Median Number of Rooms						
<i>Owner-Occupied</i>	7	6.5	5.4	6.8	6.3	6.3
<i>Renter-Occupied</i>	5	4.1	3.3	5.3	2.8	5.3
Median Year Built						
<i>Owner-Occupied</i>	1974	1975	1983	1966	1959	1958
<i>Renter-Occupied</i>	1955	1984	1982	1955	1987	1970

Source: Census 2000, Summary File 3, Tables H-1, H-24, H-35, H-36. Land area calculations from Census 2000 geographic data sets, Geography Network.

Given the range of housing opportunities in Tewksbury and its reasonably accessible sale prices, it is little wonder that homes for sale move quickly, as evidenced by the town's low owner-occupied vacancy rate of .4%. In 2000, the year of the most recent decennial census, 615 single-family homes and condominiums were sold in Tewksbury – about 6.8% of the town's homeownership inventory – for an average sale price of \$202,000. Of the 200 vacant housing units identified by the Census Bureau on April 1, 2000, only 107 were for sale or rent, or 1% of Tewksbury's entire housing stock. The remaining homes were already sold or rented but not yet occupied, or seasonal dwelling units. There is a seemingly relentless demand for a place to live, whether in Tewksbury or the immediate region. Owing to the town's long-standing affordability, Tewksbury appears to have supplied one of the few pathways to suburban homeownership in a state where the rate of housing production has not kept pace with the rate of household growth. While some of the town's upper-end housing may entice home-seekers wishing to "buy up" from their first home, many single-family homes and condominiums in Tewksbury have been within reach for first-time and below-middle-income homebuyers. However, sale price trends over the past two years suggest that Tewksbury's tradition of market affordability may be acquiescing to the same pressures that have caused housing costs elsewhere to skyrocket. Table 10 summarizes a series of housing demand, market and cost indicators for Northern Middlesex communities.

<sup>17</sup> Banker and Tradesman [database online], "Free Market Statistics," in HTML format, INTERNET at <<http://www.thewarrencgroup.com>> [cited 5 December 2002].

**Table 10: Comparison Housing Cost and Market Demand in NMCOG Region**

	Median Single-Family Sale Price (2001)	Sale Price % Change, 1990- 2000	Ratio New Homeowners to New Owner- Occupied Units, 1970-1980	Ratio New Homeowners to New Owner- Occupied Units, 1990-2000
Billerica	\$ 249,500	48.6%	0.96	3.94
Chelmsford	\$ 270,000	51.9%	1.13	5.23
Dracut	\$ 214,700	43.7%	0.91	3.08
Dunstable	\$ 361,000	106.9%	0.98	1.54
Lowell	\$ 168,500	29.1%	2.18	10.19
Pepperell	\$ 269,900	51.6%	0.59	2.86
TEWKSBURY	\$ 263,000	48.9%	1.08	4.26
Tyngsborough	\$ 250,000	49.7%	0.90	2.04
Westford	\$ 332,950	65.5%	0.78	2.07

Sources: Banker and Tradesman; Census 2000, Summary File 3, Tables H-36, H-38.

## Housing Affordability

### Chapter 40B

Tewksbury has a number of homes assessed at relatively modest values, but they do not meet the definition of an affordable housing unit under state law. In Massachusetts and most states across the country, the term “affordable housing” means homes made affordable to lower-income households by a deed restriction or covenant that restricts sale prices and rents as the units are vacated, sold or leased to new tenants. Tewksbury has 410 units of housing that qualify as “affordable” under Chapter 40B, a law that is highly controversial in most communities because it overrides local zoning regulations that make low- and moderate-income housing economically infeasible to build. The device that overrides local zoning regulations is known as a comprehensive permit.

Enacted in 1969, Chapter 40B establishes a legal presumption of unmet housing needs when less than 10% of a community’s year-round housing stock is affordable to households at or below 80% of median family income. In most cases, communities that do not meet the 10% threshold must issue a comprehensive permit unless there is an unusual or compelling basis to deny one. Developers, in turn, may ask the state’s Housing Appeals Committee (HAC) to overturn a local Zoning Board of Appeals decision. In most cases they negotiate a compromise with town officials, but HAC’s less frequent overrides have left a lasting impression on communities and form the basis for most of the opposition from local governments today.

Tewksbury’s inventory of low- and moderate-income housing includes 308 apartments, about half of which are age- or disability-restricted, and 102 homeownership units. These 410 units equal 4.05% of Tewksbury’s year-round homes. Across the Commonwealth, 8.45% of all houses and apartments meet the statutory definition of “low- and moderate-income housing units,” yet only 27 of the state’s 351 communities have produced enough subsidized housing to satisfy the 10% goal. Though cities top the list for affordable housing production (including Lowell), a few towns also exceed 10%. Table 11 shows that Tewksbury and other

communities in the region have a modest inventory of low-income housing: 7.1% for the nine communities combined, though Dunstable has no Chapter 40B units.

**Table 11: Chapter 40B Inventory, Tewksbury Region**

	Year-Round Homes	Chapter 40B Units	Chapter 40B %
Andover	11,513	981	8.5%
Billerica	13,055	216	1.7%
Chelmsford	12,981	481	3.7%
Dracut	10,597	279	2.6%
Dunstable	933	0	0.0%
Lowell	39,381	5,312	13.5%
Pepperell	3,905	117	3.0%
TEWKSBURY	10,125	410	4.0%
Tyngsborough	3,784	116	3.1%
Westford	6,877	132	1.9%
Wilmington	<u>7,141</u>	<u>490</u>	<u>6.9%</u>
Regional Total	120,292	8,534	7.1%
Massachusetts	2,526,963	213,459	8.4%

Source: DHCD, Chapter 40B Inventory (April 2002).

#### Other Measures of Affordability

The legislature's intent in enacting Chapter 40B was to assure a "fair-share" distribution of low-income housing across the state, but housing policy analysts do not define affordable housing need on the basis of a fixed 10% standard. The national definition of housing affordability assumes that a home is affordable to its owners if their monthly housing costs – a mortgage payment, property taxes, and house insurance – are equal to or less than 30% of their monthly gross income. Similarly, an apartment is considered affordable to tenants if they pay 30% of their gross monthly income, or less, for rent and utilities. Under these criteria, "affordable housing need" exists when households pay more than 30% of their gross income for housing costs. In housing industry parlance, they are classified as "housing-cost burdened." According to recent federal census data, 21.7% of all homeowners in the Lowell metropolitan area and 24.2% in Tewksbury qualify as housing-cost burdened. Among Lowell-area renters, however, 34.1% pay more than 30% of their monthly income for rent and utilities. The condition is more pronounced in Tewksbury, for 36.3% of the town's renters meet the federal definition of cost burdened households.

In a competitive real estate market like Tewksbury's, the cost of housing is a major barrier for low- or moderate-income households. The measure of "low- or moderate-income" varies by household size and region, but by federal definition, a household with annual income between 51-80% of the regional median is moderate-income and a household with annual income below 50% of the regional median is low-income. Each year, the U.S. Department of Housing and Urban Development (HUD) publishes income eligibility guidelines for various housing assistance programs, typically with "moderate income" as a benchmark. In April 2000 (the effective date of Census 2000), a one-person household earning \$35,150 or a four-

person family earning \$50,200 qualified as moderate-income in the Lowell metro area, including Tewksbury. Not long ago, HUD released statistics on each community's population percent of low-income households and persons, using data from Census 2000. According to HUD, 26.5% of Tewksbury's current population is low- or moderate-income – up significantly from 17.34% a decade ago.<sup>18</sup> In addition, 29.1% of the town's current households have incomes at or below HUD's moderate-income limits. Housing policy analysts generally focus on need indicators at the household level.

#### Affordability Gap

Almost everyone in the United States aspires to own a home, and since the 1930s federal housing policies have effectively subsidized homeownership – through income tax deductions for mortgage interest and real estate taxes, federal home mortgage insurance, and more recently, low-interest loans and downpayment grants that help credit-worthy moderate-income people make the transition from renter to homeowner. Often, home-seekers have more resources than a mortgage lender requires, such as a larger downpayment because they have equity to invest from the sale of their previous home, or because they received a gift or loan from family members. For at least two reasons, however, households with only their savings to put toward a downpayment find it more difficult to become homebuyers. First, while saving to purchase a house or condominium they must also pay rent, and because apartments are so scarce, market rents have become very expensive. Second, since the purchase price of a house usually determines how much the downpayment will be, first-time homebuyers end up saving toward a moving target: the sale price of homes in a very tight real estate market.

Under conventional loan underwriting standards, homebuyers at Tewksbury's median household income of \$68,800 can afford a purchase price of about \$214,285.<sup>19</sup> For them, the town's median single-family home sale price translates into an "affordability gap" of \$75,615 – meaning the difference between the sale price and the purchase price they can afford. A sale price of \$214,285 is also high enough to preclude 43% of Tewksbury's present households from purchasing a house in town if they were first-time homebuyers today.<sup>20</sup> In contrast, last year's median condominium sale price of \$218,000 suggests that Tewksbury's condominium inventory is largely affordable to many homebuyers entering the market. Since Tewksbury has fewer condominiums than single-family homes, the issue is whether the supply of affordably priced homeownership units is sufficient to meet local needs. During the 1990s, single-family homes sales in Tewksbury occurred at a rate of 1.5 to 2 per

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<sup>18</sup> HUD, [database online], "Non-Entitled Local Government Summaries for Low and Moderate Income Estimates.xls," in EXCEL format, available on the World Wide Web at <<http://www.hud.gov/offices/cpd/systems/census/lowmod/index.cfm>> [28 February 2003], cited 2 March 2003.

<sup>19</sup> Purchase price assumes a 10% downpayment and a 30-year mortgage at 7.5% interest, with a mortgage payment, property taxes and house insurance equal to 28% of the household's monthly gross income.

<sup>20</sup> The percentage includes all householders with incomes at or below Tewksbury's median household income, without regard to age or other differences.

condominium unit sold.<sup>21</sup> Significantly, of the 82 homes or condominiums that were on the market in Tewksbury when the last census was conducted in April 2000, only 23% carried an asking price of less than \$250,000.<sup>22</sup>

Rental affordability is also a challenge for Tewksbury. In virtually all communities, renters have somewhat lower incomes than homeowners and Tewksbury is no exception. For the town as a whole, the median household income among tenants is \$41,445, an income that can support a first-time homebuyer purchase price of about \$129,085 or a monthly rent of \$1,036.<sup>23</sup> Considering that the median gross rent paid by tenants today is \$936 per month, it would seem that Tewksbury rents are affordable to renter households. However, median “gross rent” is the mid-point of rents paid by all apartment occupants, whether they live in market-rate or subsidized units. A more telling indicator of rental affordability, similar to that of homeownership affordability, is whether the rent asked for the supply of available units fits the demographic characteristics of the rental market. Of the 35 units that were vacant and available for rent in April 2000, all carried a rent of more than \$1,250 per month and the median rent asked by landlords at the time was \$1,349.<sup>24</sup>

### **Residential Development Trends**

A majority of Tewksbury’s land is zoned for single-family homes on one-acre lots, a fairly standard feature of most suburban zoning bylaws. In addition, Tewksbury provides for a mix of housing types in three zoning districts: age-restricted and multi-family development at a density of up to six units per acre, and planned housing developments for elderly residents, including assisted and independent living units. Multi-family housing requires a special permit and it is allowed on parcels of four or more acres, up to 100 units per development. Though governed by comparable density rules, elderly housing requires a site of 12 or more acres. Together, the districts intended for residential uses constitute nearly 80% of the town’s total area (see Table 12). They also contain 82% of the town’s remaining developable land.<sup>25</sup>

During the 1990s, the Tewksbury Planning Board approved 26 subdivisions with a total of 368 lots. Although only 25% of the lots were actually built by the close of 2000, housing starts escalated at the end of the decade. In the last two years, the Tewksbury Building Department has issued 244 residential construction permits – equal to 20% of all new homes

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<sup>21</sup> The most recent median sale price statistics available for Tewksbury cover the period of January-August 2002. As of that time, the median single-family home sale price in Tewksbury was \$289,900 and the median condominium sale price, \$218,000. Source: Banker and Tradesman [database online].

<sup>22</sup> Census 2000, Summary File 3, Table H-87.

<sup>23</sup> Here, “rent” means gross rent, or rent plus utilities.

<sup>24</sup> Census 2000, Summary File 3, Tables H-59, H-60.

<sup>25</sup> Northern Middlesex Council of Governments, “Tewksbury Build-Out Study,” in EXCEL format [Tewksbury\_buildout-final.xls], 2001.

built in town between 1990 and April 1, 2000.<sup>26</sup> This is a significant increase in new-unit construction and it appears to correlate with the post-1990s spike in Tewksbury home prices.

**Table 12: Future Development Potential by Census Tract**

	3151	3152	3154.01	3154.02	3154.03	3155	Total
<i>Land Area (Acres)</i>	3,634.5	3,780.8	1,245.9	1,910.7	614.7	2,049.5	13,236.0
Existing Conditions							
<i>Open Space (Acres)</i>	262.2	464.4	544.2	260.2	77.1	291.9	1900.1
<i>Housing Units</i>	1,818	2,810	1,339	959	615	2,630	10,171
<i>Population</i>	5,277	7,151	3,654	2,875	1,799	7,949	28,705
<i>Density mi<sup>2</sup></i>	929.2	1,210.5	1,877.1	963.0	1,872.9	2,482.3	
Developable Land							
<i>R-40</i>	469.2	445.6	29.5	242.1	26.0	123.3	1,335.7
<i>MF/MF-55</i>	0.0	7.4	13.5	0.0	0.0	1.5	22.4
<i>CD</i>	0.0	22.3	0.0	0.0	0.0	0.0	22.3
<i>C</i>	3.9	0.6	0.0	0.0	0.0	16.2	20.7
<i>HI</i>	116.1	94.0	0.0	73.3	0.0	0.0	283.4
<i>Fm</i>	0.0	0.0	18.3	0.0	0.0	0.0	18.3
<i>T</i>	0.0	0.0	0.0	0.0	0.0	3.6	3.6
<i>LB</i>	<u>0.0</u>						
<i>Total</i>	589.2	569.8	61.3	315.4	26.0	144.5	1,706.3

Sources: Tewksbury Build-Out Study (EOEA); census geography data sets from Geography Network.

#### Residential Build-Out and Housing Affordability

Two years ago, the Northern Middlesex Council of Governments (NMCOG) evaluated Tewksbury's future development potential as part of a statewide build-out study. NMCOG predicted that under current zoning, Tewksbury could absorb another 1,268 housing units. Adhering to the build-out methodology that was used across the Commonwealth, NMCOG did not include any projections for new homes developed under Chapter 40B. As Tewksbury continues to approve market-rate homes in conventional subdivisions and cluster developments, the town accrues an unmet liability for Chapter 40B units. Today, Tewksbury's low-income housing inventory is 603 units short of the 10% threshold set by Chapter 40B. If the town were to "build out" to an additional 1,268 homes with no provision for affordable housing development, the shortfall would increase to 729 units.

To accommodate these 729 units, however, Tewksbury may absorb anywhere from 1,458 to 2,196 additional homes – that is, separate from the town's projected build-out under current zoning. Chapter 40B requires developments to include at least 25% low- and moderate-income housing units, or at least one affordable unit for every three market-rate units. To encourage rental production, the state allows communities to "count" as Chapter 40B units

<sup>26</sup> Massachusetts Institute of Social and Economic Research (MISER), [database online], "Annual Residential Building Permit Data for Massachusetts Communities," in EXCEL format, [ann95-98.xls sequentially through ytd2002\_11.xls], INTERNET at <<http://www.umass.edu/miser/>> [updated 28 December 2002] cited 8 January 2003.

all of the apartments in a comprehensive permit rental development regardless of whether the apartments rent at low-, moderate- or market-rate levels. For first-time homebuyer developments, Chapter 40B has traditionally recognized only the affordable units. However, a special task force appointed to study Chapter 40B has recommended that at least 50% of all units in a comprehensive permit homeownership development be added to the Subsidized Housing Inventory. Whether the state adheres to its long-standing rule of recognizing only the affordable units or adopts the 50% standard, the uncounted market-rate homes effectively expand the year-round housing base that is used to calculate a community's percentage of Chapter 40B units.

Tewksbury has made an effort to increase its affordable housing inventory by adopting a zoning bylaw that requires development in the MF and MF-55 zones to include low- and moderate-income units. The new bylaw calls on special permit applicants to provide 15% of the units in a multi-family development as deed-restricted affordable homes that qualify for listing in the Chapter 40B Subsidized Housing Inventory. In turn, applicants will be able to propose a density of up to seven units per acre instead of the six that local regulations previously allowed. For land that NMCOG determined to be developable in the MF and MF-55 districts, the inclusionary bylaw effectively increases the development yield from a maximum of 120 to 140 housing units. Possibly Tewksbury could qualify all of these units for listing on the Chapter 40B Inventory if the developments produced rental rather than ownership housing. Still, even with 140 additional rental units, the town will not meet the state's 10% threshold.

### **Master Plan Goals**

Two goals that emerged from the Master Plan Committee's visioning process relate directly to housing in Tewksbury. They include:

- Preserve Tewksbury's traditional housing affordability by providing a mix of residential use types and home prices.
- Give preference to reuse and redevelopment of existing structures and infill development over new growth, assuring that reuse activities respect the architectural integrity of historic buildings.

Though broadly stated, Tewksbury's housing goals convey important points about the town and the concerns of its people. For example, residents have repeatedly expressed a desire to promote responsible development, for they recognize that if Tewksbury does not grow and adapt to change, the town will become economically stagnant. They have also expressed a desire to keep Tewksbury a place that welcomes families – not only through the provision of homes, but also through well-kept recreation facilities and good schools. Although Tewksbury does not have any formal policies or regulations to protect historic resources, residents value the town's abundance of historically significant homes, civic and institutional buildings. Finally, residents say they want business and industry for the jobs and tax revenue that non-residential development brings to Tewksbury, but they want to put neighborhoods first. These hopes are neither inappropriate nor impossible to fulfill, but under present policies, Tewksbury will have difficulty meeting them.

### **Analysis of Needs and Planning Considerations**

Tewksbury has housing and residential development needs that will be difficult for the town to meet. As a substantially developed community, Tewksbury has very little vacant land that is suitable for new growth. The town must make optimum use of established areas by providing reuse and re-investment incentives and insisting on quality development. Toward these ends, the Master Plan focuses on four compelling housing issues that will influence the town's future development.

- 1. Tewksbury needs to preserve the diversity of housing that exists within its established base of development. Retaining small, older single-family homes for elders, young citizens and couples and providing regulatory flexibility to convert larger buildings to duplexes or multi-family units will help to assure housing choice as the town continues to grow and change.**

A crucial issue for Tewksbury involves preserving the town's supply of "informally" affordable homes. Throughout the town but especially in South Tewksbury neighborhoods, there are modest, single-family and two-family residences that may be affordable today but are unlikely to remain affordable in the future. Some of these homes have been well maintained while others are in a moderate to severe state of disrepair. Many are of lower value regardless of their condition, simply because of their age and styles. As existing housing assets, they provide a resource that may be tapped to increase Tewksbury's inventory of permanently affordable homes without building more new homes on undeveloped land. Eventually, homes occupied by long-time residents will become available for purchase or rent. Those of comparatively lower values will be desirable to prospective homebuyers in search of an investment opportunity. As Tewksbury's base of older, lower-cost housing begins to transition from present to future homeowners, its "market" affordability will begin to disappear.

- 2. In many parts of town, Tewksbury is over-developed in relation to the capacity of land and water resources to absorb growth impacts. Additional development in these areas will simply aggravate existing environmental problems. However, the town needs ways to grow so it can support a thriving economy, maintain property values and assure a balanced fiscal future. Policies that encourage higher-density housing in established areas, close to community services and shops, would provide a variety of housing types and encourage reinvestment while also helping Tewksbury reduce the burdens of development on environmentally sensitive land.**

Tewksbury has very few areas that are suitable for higher-density development. Zoning strategies to redevelop portions of Route 38 could provide new sources of housing mixed with commercial activity on relatively usable land. Mixed-use development has many advantages both community-wide and in the areas where it occurs, and it is a major thrust of the Master Plan. In addition, incentives to intensify the use of established multi-family properties or convert older residences to multi-family units would be appropriate housing policy in Tewksbury. Still, redevelopment presents a more difficult challenge to the town and developers than the development of vacant land. To be effective, the incentives must be economically attractive to developers and in some cases, they may require Tewksbury's

participation as a lender or a pass-through for grant funds to achieve desired housing outcomes.

- 3. Tewksbury needs responsible policies and mechanisms to create and retain quality homes that are affordable to low-income people. At the same time, Tewksbury needs to withstand pressure from the state and housing developers to reach the 10% goal of Chapter 40B at a speed that it cannot sustain. Tewksbury cannot afford to absorb the fiscal impacts of large-scale development or the environmental impacts of badly sited development. Local affordable housing policies must be consistent with policies to address other, equally important needs in the community.**

Chapter 40B is a highly contentious issue in Tewksbury. Many residents and local officials oppose the law, yet the town has very few tools at its disposal to gain control over its own affordable housing future. Since Tewksbury does not meet the 10% low-income housing goal of Chapter 40B, it remains vulnerable to large, unwanted comprehensive permits. For environmental and fiscal reasons, it is in Tewksbury's interests to "take charge" of affordable housing development whenever possible. Unfortunately, Tewksbury does not have enough local capacity to implement a comprehensive housing program and to date, the town has shown very little consensus about its housing needs or the appropriateness of developing more Chapter 40B-eligible housing units. The Community Development Department already has more responsibilities than it can accommodate well, given its size, the scope of duties and the number of boards and commissions it supports. In addition, the Housing Partnership Committee and Board of Selectmen recently clashed over a small but unusually dense "Local Initiative Program" or LIP proposal.

Managing Chapter 40B requires at least three conditions: a unified approach by town government, realistic solutions, and sustained local action. The risks of "no action" are very obvious. First, Tewksbury's Chapter 40B shortfall and lack of progress mean the town could be exposed to a 300-unit comprehensive permit application. Second, since Chapter 40B developers often target marginal or difficult-to-develop sites, the town risks having to absorb new growth in poorly suited areas. Third, Chapter 40B developers design projects that work from their point of view and that of housing subsidy programs. They do not necessarily consider local housing needs or, for that matter, local housing goals. New Chapter 40B regulations and statutory amendments being considered by the governor and legislature may provide local governments with some additional control over comprehensive permits, but it is unlikely that the law will change in fundamental ways. Chapter 40B was enacted to build an adequate supply of low-income housing and to distribute it regionally. Since suburban and rural towns rarely have the kind of zoning that would make low-income housing feasible to build, a comprehensive permit is the state's only vehicle to meet the objectives of the law.

Tewksbury may not be able to prevent a large-scale comprehensive permit application, but its credibility on appeal would be significantly enhanced if the town were taking systematic steps to increase its Chapter 40B inventory. The challenge for all communities – including Tewksbury – is to choose a course of action that is realistic and feasible for local officials, regardless of any unrealistic expectations set by state agencies. For Tewksbury, a realistic approach might call for small-scale housing development activities of 15-20 units at a time, in areas the town has identified as suitable for moderate- to high-density development or by

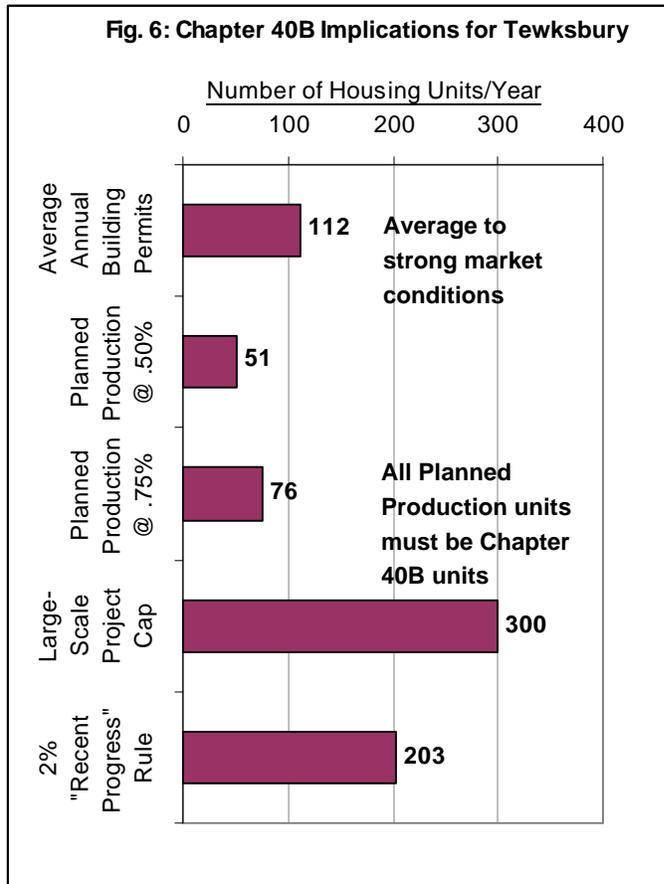
acquiring deed restrictions on “in place” developments of lower density. However, any of these actions require the town to take Chapter 40B seriously on one hand, and to focus its efforts on housing needs that exist in Tewksbury’s region on the other hand. Otherwise, developers will make these choices, and much like Tewksbury’s economic base, its affordable housing base will be investor-driven rather than community-driven.

Under current Chapter 40B regulations, a city or town may deny an unwanted comprehensive permit if it has produced new low-income units equal to .75% of its year-round housing base under a state-approved housing plan. Figure 6 shows that in Tewksbury, this means about 76 low-income

units per year. A recently released report suggests that DHCD may reduce its planned production requirement from .75% to .50%; in Tewksbury, this means about 51 low-income units per year. Though planned production strategies are tempting for the promise they offer as a shield against large, unwanted comprehensive permits, they create a potential for serious conflicts with other local needs. Tewksbury cannot afford to absorb 51 or 76 low-income units per year for an extended period of time, and a planned production strategy implemented in the short run has no impact on comprehensive permits applied for in the long run.

In Tewksbury, at least two needs outweigh the state’s definition of local housing need: fiscal stability, and more rigorous protection of critical environmental resources, notably wetlands and floodplains. It is important to reinforce that Tewksbury already has a sizeable inventory of lower-value homes for which the town receives no credit under Chapter 40B. The presence of so many small, lower-value homes seems to correlate with Tewksbury’s unusually high percentage of elderly homeowners, many of whom moved into the community 30 or more years ago. High-impact housing development will merely exacerbate the problem of housing cost burden that affects Tewksbury’s elderly homeowners far more than any other homeowner age group in town.

In addition, Tewksbury needs to think and act strategically about areas appropriate for the kind of higher-density development that affordable housing often requires. Although many communities have sold town-owned land for affordable housing, in Tewksbury this strategy is not appropriate. The town’s open space inventory is already too small for its population



or geographic area. Moreover, many of the small, scattered-site parcels that may seem like suitable candidates for affordable housing are the only open space to which host neighborhoods have access. If Tewksbury were to sell a surplus town or school building in the future, affordable housing reuse would be consistent with the Master Plan. Given the prevalence of wetlands in Tewksbury, the town's location within three major watersheds and existing impacts from over-development in fragile areas, the town needs to take a firm stance on preserving the limited amount of vacant land that it owns and controls today.

- 4. Neighborhoods are comprised not only of homes and streets, but also shared or common space -- woods, open fields, parks and playgrounds – and facilities that foster social cohesiveness, giving residents a sense of neighborhood identity. Tewksbury needs community development policies that build neighborhoods. By requiring high-quality open space in developments on outlying roads and investing in traditional neighborhood design principles along roads approaching Route 38, Tewksbury will be able to provide great places for people to live.**

Like most towns, Tewksbury has a variety of residential settings: historic areas where homes occupy upland locations and the streets bend to avoid streams and wetlands, early 20<sup>th</sup> century neighborhoods that pre-date zoning, often laid out in grids, suburban neighborhoods with connected, curvilinear streets that were common in post-war America, and more recent suburban developments made insular by streets that end in a cul-de-sac. Throughout Tewksbury, single-family homes line the town's roadways, at times making minor arterials and collectors double as neighborhood streets. The resulting conflicts between local and through traffic, or between cars and pedestrians, effectively curtail ordinary human activity. Bicycling, walking, or stopping by the road to chat with neighbors is made difficult for residents in these areas. They have very little if any open space, and no parks or playgrounds at which to gather. Unless they live near a school or the facilities on Livingston Street, the only way they can use an outdoor recreation area is that first they must drive to it.

Tewksbury's open space-cluster bylaw has been less effective than it could be at providing usable common areas for residents of new developments and surrounding neighborhoods. Though approved cluster developments appear to have met the minimum requirements of the bylaw, a visual survey of their open space areas suggests that very little attention has been paid to open space design. A quality cluster development involves more than earmarking a minimum percentage of open space as undivided land. Rather, it begins with an identification and analysis of each site's natural or important man-made features, for they determine the open space "envelope." A development should protect and enhance these assets by making open space the focal point in site design. To encourage good design solutions, however, communities must allow a degree of freedom to depart from the prescriptive requirements for conventional subdivisions. For example, some developments will do a better job of protecting natural features if they can create compact housing clusters. In furtherance of this objective, the zoning bylaw should avoid imposing a needlessly high minimum lot size and it should allow for a mix of residential uses. In Tewksbury, the open space-cluster bylaw requires a minimum lot of 20,000 ft<sup>2</sup> and it limits allowed residential uses to single-family homes. It may be more advantageous to subordinate traditional zoning rules to open space-conscious design standards, even if in some locations the development product consists of townhouses or clusters of common-wall housing instead of

single-family homes. Providing usable open space with tot lots and pedestrian trails would improve the quality of life in many Tewksbury neighborhoods.

Residential areas close to Route 38 have different design needs than neighborhoods on outlying roads. Since they are largely developed, these areas call for public investment more than, or in addition to, open space and site planning regulations that govern private investment. On approach to areas such as the town center or in the general vicinity of Shawsheen, South and Salem Streets, attractive, tree-lined sidewalks and small pocket parks with furnishings, lighting and accessible, interior walkways would help to forge connections between homes and commercial areas and convey a sense of neighborhood – not only to residents but also to through traffic and the business community. Some improvements may be obtained through regulations that govern infill development or commercial and mixed-use developments at key intersections, e.g., by requiring neighborhood design treatments along a parcel’s side-street frontage. Tewksbury does not have substantial reserves to invest in neighborhood improvements, but incrementally, the town could accomplish a great deal to make residential and commercial areas more coherent, livable and attractive.

## HOUSING ELEMENT

### Housing Needs and Priorities

The Housing Element promotes a vision of Tewksbury that preserves the town's traditional mix of homes, makes the community attractive and affordable to households in all class positions, and provides cohesive, safe neighborhoods for all residents of the community. It is important to emphasize that the Housing Element addresses housing and residential development comprehensively, with several objectives in mind. These objectives include:

1. Housing preservation.
2. Neighborhood stabilization and reinvestment.
3. Developments designed for the use and enjoyment of neighborhood residents.
4. Developments designed for those who live and work in Tewksbury.
5. Provision of open space, parks and neighborhood facilities.
6. The suitability and affordability of homes for many types of households.

The Housing Element's approach to affordable housing development is not a Chapter 40B housing plan as described in state regulations. Many cities and towns in Massachusetts are worried about Chapter 40B because they fear and resent the law's draconian features, notably that it favors developer interests over local interests and subordinates local regulation to state policy. Since a master plan's purpose is to guide a community's future growth, the Housing Element treats affordability as one of many public policy interests that Tewksbury needs to consider.

Policies and initiatives recommended in the Housing Element are intended to complement the Land Use element. Map 1, "Future Housing Areas," reinforces and builds upon the Land Use Concept Plan. The policy agenda outlined below implements the objectives represented on Map 1.

### Housing Policies

**Housing preservation.** Tewksbury is a mature suburb with many "hidden assets" for affordable housing – both Chapter 40B and so-called "below-market" housing. The town needs to preserve the affordability and suitability of these units for moderate- and middle-income homebuyers in the future. Preservation strategies are difficult to implement and they require dedicated community involvement. However, capitalizing on the established base of development is more prudent than encouraging new construction wherever possible, including for the creation of permanently affordable, decent housing.

The town should implement the following recommendations:

- Modify the existing demolition delay bylaw so that its jurisdiction extends to whole or partial demolition of any building over a certain age.
- Establish Neighborhood Conservation District in areas with high concentrations of older, small, predominantly single-family housing units or recognized groups of historically important properties. A Neighborhood Conservation District is less restrictive than a local historic district established under G.L. c.40C. It applies neighborhood-sensitive design standards to the review and permitting of new

construction or substantial alterations to existing buildings. Some work that would trigger review by a local historic district commission is usually exempt from Neighborhood Conservation District review, e.g., the installation of low fences, the installation of replacement windows and doors, or improvements to chimneys. Tewksbury needs tools to protect the character of its older neighborhoods and to prevent inappropriate or large expansions of homes in these areas.

- Encourage reuse of existing structures for affordable housing by allowing greater use intensity where appropriate and targeting properties for publicly financed rehabilitation in exchange for permanently affordable or age-restricted housing units.

**Mixed-use development.** Consistent with the Land Use Concept Plan, the Housing Element recommends that Tewksbury allow mixed residential and commercial development on portions of Route 38. The town presently allows over-55 units throughout the Commercial District, but to induce redevelopment and higher property values, Tewksbury should provide more flexibility to developers to build units that respond to market demand. The town could consider setting a maximum percentage of total floor area for residential uses and limiting the allowed residential use to multi-family housing. To assure that units integrate well within a mixed-use development, Tewksbury should adopt guidelines that permit some freestanding multi-family units as long as housing units are also located above the ground floor of a commercial facility.

Finally, it is important to remember that “mixed use” requires a different approach to site planning than commercial-only uses. Mixed-use developments must provide safe, efficient access for businesses and simultaneously be designed for resident livability. They should be seen as integral features of neighborhood development – as opportunities to connect land, buildings and urban open space over a larger area for the betterment of those who live and work in Tewksbury. Regrettably, years of separating uses under traditional zoning have led to site planning practices that make commercial projects inhospitable to residential uses (and barely hospitable to customers). The town will need to evaluate its existing site plan regulations for applicability to mixed-use development.

**Local housing capacity.** Tewksbury should establish an Office of Neighborhood Development under the Department of Community Development. The department may be funded by a combination of local revenue, grant administration resources, a percentage of revenues generated by inclusionary housing developments (see below), the Community Preservation Act if Tewksbury were to adopt the necessary enabling legislation, and filing and review fees paid by residential developers. The town will need to establish a corresponding special revenue fund, most likely by home rule petition, to dedicate these and other potential revenue sources to office’s operating expenditures. The purposes of establishing an Office of Neighborhood Development are several, including adequate local capacity for the following functions:

- To coordinate the development review process for affordable housing, whether by comprehensive permit or permits issued under the zoning bylaw.
- To provide technical assistance to and negotiate with housing developers in order to leverage as many public benefits as possible for the town. “Public benefits” include but are not limited to Chapter 40B-eligible housing units, conventional (unrestricted) multi-family and townhouse units, special housing for senior citizens and persons with disabilities, housing units included in mixed-use developments, housing units created to

make historic preservation economically feasible, or the provision of parks, playgrounds and neighborhood facilities in new residential development.

- To apply for, receive and expend federal or state grants for housing preservation and development and to administer other housing finance resources obtained by the town.
- To support, coordinate and facilitate the work of several town agencies with roles in housing development, e.g., the Housing Partnership Committee, the Planning Board, and the Zoning Board of Appeals.
- To coordinate housing development undertaken by the proposed Economic Development and Industrial Corporation (EDIC), as described below.
- To design, administer and evaluate local housing policies and development initiatives undertaken by the town.
- To represent Tewksbury's housing interests to state agencies and housing or public policy organizations that influence state policy.
- To monitor existing affordable housing deed restrictions and prevent loss of existing affordable ownership and rental units.

**Inclusionary zoning.** In 2002, Tewksbury amended the Zoning Bylaw to add "inclusionary zoning" regulations for the MF and MF-55 Districts. This important step may help to increase the supply of units that qualify for listing on the Chapter 40B inventory, though the actual number of units produced may not be as high as local officials hoped when the bylaw was prepared. Most of the town's remaining developable residential land is in the R District. The Master Plan recommends that Tewksbury extend its new inclusionary zoning bylaw to single-family home development anywhere in the R district. Specifically, the bylaw should allow a limited amount of single-family residential development as of right, e.g., 6-8 single-family house lots, over which a special permit would be required from the Planning Board. One of the permit granting requirements would be the inclusion of affordable housing units in the development, the creation of an equivalent number of affordable units elsewhere in Tewksbury, or payment of a fee in lieu of creating new units. The town may offer a nominal density bonus or provide other ways to reduce development costs in exchange for the affordable units, e.g., flexible subdivision standards including a lower frontage requirement to facilitate a shorter road.

**Zoning incentives.** The town will benefit from the following additional regulatory techniques to diversify its housing stock:

- An overlay zoning district that permits townhouse and multi-family housing in select locations within the R District. The district may be applied on a case-by-case basis upon a favorable recommendation by the Planning Board to town meeting, much like a "floating" zone. Its regulations should address one or more local objectives, such as housing affordability, elderly units and assisted living communities, or small units for young citizens and couples, while requiring high quality, usable open space and adherence to rigorous design standards.
- Modifications to Tewksbury's existing "family suite" regulations to allow accessory apartments as of right, subject to an affordable housing deed restriction that applies when non-family members occupy the accessory dwelling unit.

- Modifications to Tewksbury's zoning bylaw to allow single-family to multi-family conversions, up to three units as of right and more than three by special permit, subject to an affordable housing deed restriction on 25% of total development units.

**Local initiatives.** Some communities have formed their own housing development corporations or entered into partnerships with established non-profit development organizations to build and manage affordable housing. The advantages are several: communities gain more control over the types of housing built on their land and the locations selected by developers, they become partners rather than adversaries, and they may enhance their credibility with state government when they deny an unwanted comprehensive permit. Chapter 40B regulations also create opportunities for cities and towns to develop programs that produce "local initiative" housing. Toward these ends, Tewksbury should take the following actions:

- Create a local non-profit development corporation, such as an Economic Development and Industrial Corporation (EDIC) by special act of the legislature.
- Obtain resources from the HOME Investment Partnership Program or CDBG to acquire, renovate and sell or rent existing homes to lower-income households. If Tewksbury were adopt CPA, revenue from surcharges on property tax bills could be used to support similar types of housing programs.
- Develop group homes for persons with disabilities.

**Managing Chapter 40B.** Local officials throughout Massachusetts see Chapter 40B as a threat and to some extent they are right. Chapter 40B promotes a regionally equitable distribution of low-income housing across the state. It authorizes a form of streamlined permitting (the comprehensive permit) and assumes that housing needs outweigh other local needs when less than 10% of a community's housing stock is affordable to low-income households. Accordingly, Chapter 40B supersedes zoning and other requirements that make low-income housing development uneconomic. In practice, Chapter 40B is market driven because developers choose where they want to build affordable housing. Since they need income from the sale or rental of market units to offset the cost of affordable units, Chapter 40B developers often seek land where the real estate market is strong: growth communities with access to an expanding regional employment base. Typically but not always, they look for sites that are difficult to develop under local regulations. Since the comprehensive permit provides a way to bypass those regulations, it invokes the wrath of most communities – especially suburbs that fall far short of the 10% threshold.

Comprehensive permits will remain the primary vehicle for affordable housing development in most communities. Tewksbury would benefit from instituting two devices to manage the use of comprehensive permits: a comprehensive permit policy adopted by the Board of Selectmen or Planning Board, and a plan for the development and management of affordable housing. Tewksbury has already adopted Zoning Board of Appeals (ZBA) guidelines for comprehensive permits, an important "first step" toward managing the comprehensive permit process. However, comprehensive permit procedural guidelines do not substitute for a local housing policy: a statement of housing needs, local preferences and development performance standards.

The town should implement the following recommendations:

- Adopt a comprehensive permit policy. Chapter 40B creates opportunities for negotiated development, a process that differs significantly from conventional permitting. A comprehensive permit policy helps to establish the framework for community-developer negotiations. Though Chapter 40B places some constraints on local officials, it does not prevent them from exploring trade-offs, issuing conditional permits that preserve a project's feasibility, or working with applicants to reduce the scale of a proposed development without making it uneconomic to build. To negotiate effectively, communities must be realistic, reasonable and clear about what they want from a Chapter 40B development. A comprehensive permit policy can help communities think through these issues before they are asked to act on a "live" comprehensive permit application. Local officials need to be equally clear about negotiable and non-negotiable considerations, and to manage Chapter 40B effectively, town boards should not work at cross-purposes.
- Prepare and adopt an affordable housing development and management plan. A local affordable housing plan focuses on locally defined housing needs, not state-defined housing needs. The town's interests will be served best by a local housing plan that generates 15-20 low-income units per year, or about 15% of Tewksbury's average annual building permit activity over the past seven years. Tewksbury should emphasize developments that address three evident housing needs: rental housing for family households, rental housing for senior citizens, and homeownership units for young citizens and couples, e.g., "starter" homes.

A second feature of the plan should involve managing Tewksbury's existing inventory of low-income housing. The town needs to confirm how many Chapter 40B homeownership units have remained affordable upon re-sale, and work with DHCD to recapture any units that became market homes because the state did not enforce the affordable housing deed restrictions. Many communities have "lost" affordable homeownership units because eligible moderate-income homebuyers were unable to purchase the units when the original buyers decided to sell. Although the units remain on the Chapter 40B Subsidized Housing Inventory, they are not truly "affordable." Since communities issue comprehensive permits on the expectation of a public benefit – affordable housing – it is important to assure that Chapter 40B developments provide the public benefits that were intended by the town.

- Identify Chapter 40B-eligible units. It is possible that some existing housing units may qualify for listing on the Subsidized Housing Inventory but have not been added to it, either because the town is unaware of them or state agencies have not done an adequate analysis of the town's housing stock. Tewksbury should submit a written request to DHCD and the Department of Public Health to determine whether any residential units at Tewksbury Hospital qualify under Chapter 40B regulations that went into effect in December 2002. A complete and fair review of all facilities at the hospital may reveal units that meet the definition of "low and moderate income housing" at 760 CMR 30.02, in which case Tewksbury's unmet Chapter 40B liability could be reduced.