

Town of Tewksbury Comprehensive Permit Policy

In light of the Massachusetts Department of Housing and Community Development's February, 2008 revisions to Chapter 40B Regulations, Tewksbury's Certified Housing Plan and 2 year reprieve (2/18/08 to 2/18/10), on October 21, 2008 the Tewksbury Board of Selectmen adopted the following Comprehensive Permit Policy, which conveys our town's expectations for housing developed under Chapter 40B. The policy explains desired outcomes, sets minimum performance standards for all affordable housing developments, and describes the trade-offs that Tewksbury is willing to explore with applicants for a comprehensive permit.

Synopsis

The Town of Tewksbury maintains a tradition of working cooperatively and negotiating with affordable housing developers. We encourage comprehensive permit applications for rental developments that serve low-, moderate- and middle-income households. In addition, we prefer developments that conform to the rural residential character of our town and, whenever possible, make use of existing structures. We also prefer developments that are located close to Tewksbury's existing multi-family districts and proposed mixed-use areas. By guiding attractive, small-scale affordable housing development toward these areas, we want to create and sustain an inventory of low and moderate-income housing units at a minimum of 10% of all homes in our community, or what is required by State statute.

Tewksbury seeks to provide permanently affordable housing that benefits as many local residents as possible. Since our town is a mixed-density community, we prefer affordable housing developments that are compatible with and located within proposed mixed use areas. Buildings in an affordable housing development need to meet current zoning height limits with respect to the surrounding neighborhood. A development located outside of our established multi-family districts should reflect the principles of traditional residential neighborhood design. In some instances, Tewksbury may want to participate in a development in order to reduce density or increase the level of affordability.

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Comprehensive Permit Policy

1. Community housing needs and priorities.

Currently 921 units, or 9.1% of Tewksbury's year-round homes, qualify as low- and moderate-income housing units for purposes of Chapter 40B. Measured by the statutory threshold of 10%, the town presently has a shortage of 92 Chapter 40B units. (DHCD 40B Subsidized Housing Inventory Listing Revised July 3, 2008.) The Tewksbury Master Plan and Affordable Housing Plan identify needs by demographic categories.

Affordable Rental Units. The shortage exists most acutely among rental units for all income groups. The town encourages development that addresses this need. If able to choose between two concurrently filed Comprehensive Permit applications, the town will give preference to the application that increases the supply of rental units affordable to low and moderate-income households and substantially meets other local objectives outlined in this policy.

Mixed-Income Development. There is a significant gap between affordable units and the high-end units that the housing market is producing. Many in Tewksbury were once middle-income housing consumers, having gotten their start in that niche. Therefore, to provide a range of housing alternatives for people in Tewksbury, the town encourages mixed-income developments that include housing affordable to low (0-50% of median income), moderate (51-80% of median income) and middle (81-110% of median income) income households.

2. Relationship of policy to community planning goals.

The 2003 Tewksbury Master Plan specifies several housing and residential development goals. Objectives from the Housing Element of the Master Plan 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, and 6) The suitability and affordability of homes for many types of households. In addition the Housing Element calls out Housing Policies that the Town should pursue including: 1) Housing Preservation, 2) Mixed-use development as described below in "Mixed Use Development Neighborhoods", 3) Local housing capacity, 4) Inclusionary zoning, 5) Zoning Incentives and 6) Local Initiatives. 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. These objectives were further refined in the 2006 Tewksbury Affordable Housing Plan.

This policy statement reflects those goals. A comprehensive permit development with the following characteristics will be deemed consistent with these goals:

o Design. Attached housing units should be designed to blend compatibly with surrounding single-family neighborhoods. Clusters of two, three, and four to eight-unit buildings that closely approximate traditional single-family residences and farmhouses will generally be consistent with the goals of the master plan; new construction of large, three-story garden apartment-style buildings will generally be inconsistent. Density achieved by compatible building design will be viewed more favorably than density achieved by substantial

variations from the town's height requirements for homes in the zoning district where the site is located.

o Reuse. The town encourages comprehensive permits that promote appropriately designed conversion and reuse of existing structures to affordable multi-family, senior housing or single-room occupancy units.

o Mixed Use Development Neighborhoods. The Mixed Use Development neighborhood concept is an important part of Tewksbury's Master Plan. Tewksbury strongly encourages affordable housing development in established mixed use development neighborhoods. Development outside of an existing mixed use area is not encouraged.

A Mixed Use Project may occur, as defined in the revised Regulations below, in zoning districts which allow for commercial types of use.

760 CMR 56.00:

COMPREHENSIVE PERMIT; LOW OR MODERATE INCOME HOUSING

56.02 Definitions:

Project - means a development involving the construction or substantial rehabilitation of units of Low or Moderate Income Housing that is the subject of an application to a Board for a Comprehensive Permit or for an appeal before the Committee. See 760 CMR 56.04 for eligibility requirements. A Project may contain ancillary commercial, institutional, or other non-residential uses, so long as the non-residential elements of the Project are planned and designed to:

- (a) complement the primary residential uses, and
- (b) help foster vibrant, workable, livable, and attractive neighborhoods consistent with applicable local land use plans and state sustainable development principles.

3. Development preferences. The town will generally give preference to comprehensive permits with the following characteristics:

- **Local Initiative Program (LIP).** The town prefers to have project applications for developments utilizing the Comprehensive Permit Law to submit under the Local Initiative Program.
- **Types of housing.** In addition to a preference for affordable rental units, the town wants a mix of unit sizes to accommodate individuals and families. A development that includes studio, one- and two-bedroom apartments is preferable to one with no small units and a large number of three-bedroom units.

- Location. Tewksbury will give preference to comprehensive permits in areas identified on the attached “Future Housing Map”. While encouraging mixed use developments as defined in Mixed Use Development Neighborhoods, Tewksbury prefers that areas zoned for non-residential uses, remain in our industrial/ commercial base. With less than 20% of Tewksbury’s land zoned for commercial or industrial use, a need remains to keep the tax base diversified. Therefore, Tewksbury needs to reserve industrial/ commercial sites that have good transportation access for industrial uses.

- Developments are discouraged from areas defined as Riverfront Area according to the Massachusetts Wetlands Protection Act and its implementing regulations at 310 CMR 10.00.

• Density and Scale. The town recognizes that density is important to the feasibility of an affordable housing development. At the same time, the town has a public interest in promoting small-scale development. Generally, Tewksbury will give preference to a small-scale affordable housing development over one of a larger scale, even if its density is lower. An application for fewer than 24 units is strongly preferred, subject to the following dimensional guidelines.

- Density. Requests to waive the density requirements of the Zoning Bylaw shall in all cases be accompanied by evidence of economic necessity. The town prefers the following densities (per buildable acre) not be exceeded: 1) 4 units per acre; 2) 12 bedrooms per acre; and 3) 6,000 square feet of gross living area. Buildable acres exclude such things as roadways, easements and wetlands. The town may accept increased densities on land that is close to public transportation and community services.

- Phasing. Tewksbury encourages phasing of comprehensive permit developments not exceeding 0.5% affordable units of the Town’s total housing units listed on the latest decennial US Census per year (interpretation of DHCD Planned Production Regulation (760 CMR 56)) so as to not over burden Town resources. [2008 0.5% of 10,125 from 2000 Census is 51 affordable units per year].

- Height. Tewksbury prefers that the height of buildings meet the requirements of the underlying zoning district. It is important to mitigate the height and scale of the buildings to adjoining sites. In this context, it is particularly important to consider the predominant building types, setback, and roof lines of the existing context.

- Intensity of use. The Zoning Bylaw parameters of maximum building coverage should be generally met. For multi-family developments Section 7100 of the Zoning Bylaw sets forth reasonable regulations for these types of developments.

- Architectural and site plan standards. Buildings should be harmonious with and enhance the neighborhood. Some architectural features should be included such as an articulated façade at a residential scale. Projects shall acquire a design review approval from the Planning Board prior to approval from the Zoning Board of Appeals for the project. Said approval shall only review the architectural features and relation of the project to the

surrounding areas, in keeping with Tewksbury's New England character. The Planning Board may use Design Criteria Guidelines as set forth in the underlying zoning district for guidance. The massing of the Project should be modulated and/ or stepped in perceived height, bulk and scale to create an appropriate transition to adjoining sites. Where possible, the site plan should take advantage of the nature topography and site features, or the addition of landscaping, to help buffer massing. Design may use architectural details, color and materials taken from the existing context as a means of addressing the perception of mass and height. The manner in which the buildings relate to adjacent streets is critically important. Massing should take into account the patten of the existing street frontage as well as maintain a human scale by reasonably relating the height of buildings to the width of the public way.

- Other public benefits. Developments that provide public benefits in addition to the required percentage of affordable housing units are preferable to developments that provide no other public benefits. Specifically, the town encourages applicants to provide facilities that will add to the communal experience in Tewksbury. Examples include a senior center or teen center, a public swimming pool, a recreation field, open space linkages, a transportation enhancement such as a shuttle service or an intersection improvement, or a commercial establishment that meets the needs of local residents. If able to choose between two concurrently filed Comprehensive Permit applications that will result in similar impacts, the town may give preference to one that provides a community facility usable by the public. Other significant public benefits would be a higher percentage of affordable units, the inclusion of middle-income housing units, the preservation of a historically significant building, or the provision of a utility function available to others in the town, such as public water or sewer enhancements.

4. Performance standards.

The town expects all affordable housing proposals to meet the following minimum standards:

- Desired Percentage(s) of affordability: 25-40% for rental and homeownership developments, 50% for single-room occupancy and elderly housing developments. In homeownership developments, a higher percentage of units eligible for inclusion in the Chapter 40B Subsidized Housing Inventory may be considered a reasonable trade-off, when necessary, for a modest increase in density.

- Income targets: rental developments should provide a continuum of affordability, meaning units priced for households at 50%, 80%, and 110% of median family income. Depth of affordability may be considered a reasonable trade-off, when necessary, for a modest increase in density or a commitment by the town to seek or support additional subsidies for the development.

- Term of affordability: affordable units shall be permanently affordable. All comprehensive permit decisions will be conditioned upon the perpetual affordability of the Chapter 40B units.

- Minimization of land use conflicts: The Town of Tewksbury prefers development that meets all criteria of this policy and is compatible with surrounding neighborhoods.

Developments located in or adjacent to a commercial or industrial zoning district should be mixed-use, not exclusively residential, and may provide a 50' landscaped buffer along the perimeter of the site.

- **Affirmative Action:** Comprehensive permit developments must have an affirmative action marketing plan.

5. Expectations concerning "local preference" allocation of affordable housing units. To the maximum extent allowed by law, comprehensive permit developments shall provide for local preference tenant or homeowner selection procedures. "Local preference" tenants or homeowners are defined as:

1. Present residents of the Town of Tewksbury
2. Current employees of the Town of Tewksbury
3. Employees of businesses within the Town of Tewksbury
4. Former residents of the Town of Tewksbury

6. Community participation. The town may elect to invest local resources or seek additional subsidies for a comprehensive permit development. This participation could take one or more of the following forms:

- An infusion of capital in the form of permanent, deferred-payment debt.
- Low-interest loans or financial assistance to reduce the cost of debt service for communal water supply and wastewater disposal facilities.
- Acquisition of one or more units.
- Acquisition of a portion of the site deemed significant to the town's open space goals.
- Provision of land or buildings owned or acquired by the Town.

The town may want to participate for the following reasons:

- To reduce the density in order to increase open space, protect natural resources or control development impacts on municipal and school services.
- To increase the percentage of low-income affordable rental units without increasing the overall density of the development.
- To provide rental housing for very-low-income or elderly households and persons with disabilities.
- To secure units for a rent-to-own program.
- To increase the number of units affordable to middle-income households.