TOWN OF SCITUATE
HOUSING PRODUCTION PLAN

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1. EXECUTIVE SUMMARY

1.1 Introduction

Scituate is primarily a residential community located approximately 25 miles southeast of Boston and bordered by the Atlantic Ocean as well as the four communities of Marshfield, Norwell, Hingham and Cohasset. The community has striven to maintain its historic character and prides itself on its distinct sense of place as a coastal town on the South Shore. The social focus of the town is divided among three villages including Scituate Harbor, North Scituate, and Greenbush with historical and physical distinctions still widely evident throughout town including lighthouses, a bustling harbor, open vistas, canopied roads, and farming structures, highly valued by its citizens and those willing to pay the high prices associated with a move to the community.

Population growth put particular pressures on the housing market between 1950 and 1970 when the population almost tripled in size. The rate of growth slowed down somewhat after that but spiked a bit in 2004 when the population surpassed 20,000 residents. Since then there have been some modest decreases and as of the end of 2012 the population was 18,128 based on US Census estimates. Town records indicate a higher population total of 18,848 residents as of July 7, 2014.

Scituate had 7,685 housing units in 2000, and since then housing growth increased to 8,035 by 2010, representing a growth rate of 4.6% during this period. More than 80% of the units are owner-occupied, single-family houses on typically large lots with average price tags of $480,000, significantly higher than county and state values. The escalating market prices, while out of reach for most long-term residents and those who do not already own a home, have continued to attract attention from private developers interested in high-end housing development or Chapter 40B comprehensive permit projects. Ongoing development pressures continue to precipitate concern among Town leaders and residents that different strategies might be required to better plan for housing development and insure that it is more directed to serving local needs and priorities. Therefore, Town should also attempt to exert more control related to the appropriateness of new development including siting, renewing critical areas in town, promoting pedestrian circulation, and encouraging greater affordability.

According to Chapter 40B regulations, if a municipality has less than 10% of its year-round housing set-aside for low- and moderate-income residents, it is not meeting the regional and local need for affordable housing. Not meeting this affordability standard makes the town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.[1]

[1] Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in

Based on the Massachusetts Department of Housing and Community Development's data on the Chapter 40B Subsidized Housing Inventory (SHI), Scituate had 7,163 year-round housing units, of which 310 can be counted as affordable, representing 4.3% of the year-round housing stock.[2] Scituate is therefore vulnerable to losing control over housing development through Chapter 40B comprehensive permit applications. To meet the 10% standard, at least 716 of the existing units would have to be "affordable" based on the state's definition, requiring at least another 406 more housing units be converted to affordability to meet just the 10% standard. Assuming future housing growth, this 10% figure is a moving target and ultimately the required minimum number of year-round units will increase over time. Additionally, based on documentation in this Housing Plan, there are unmet housing needs that extend beyond what would be required to reach the 10% threshold.

This Housing Production Plan suggests a range of options to meet pressing local housing needs, as identified in its Housing Needs Assessment, and to enable Scituate to come closer to meeting the state 10% affordable housing threshold, presenting a proactive housing agenda of Town-sponsored initiatives. The Plan will also meet the requirements of 760 CMR 56.03(4) under the state's Chapter 40B comprehensive permit requirements that will allow the Town to potentially deny unwelcome Chapter 40B comprehensive permit applications.[3]

1.2 Summary of Housing Needs Assessment

The Housing Needs Assessment in Section 3 of this Housing Production Plan presents an overview of the current housing dynamic in the town of Scituate, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals. Table 1-1 summarizes key household and housing characteristics in Scituate and compares this information to that of Plymouth County and the state.

This information shows some sizable differences and similarities from other communities in the region and the state such as:

- *Lower Population Growth Rate*
  The 2012 census estimates indicate that Scituate had a total population of 18,128, representing an increase of 265 residents since 2000 and a growth rate of 1.5% during this period. This rate of growth is significantly lower than those of Plymouth County and the state at 5.7% and 4.7%, respectively.

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communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

[2] Figures as of June 30, 2014.

[3] If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

Table 1-1: Summary of Key Demographic and Housing Characteristics for Scituate, Plymouth County and the State 2000/2012

Characteristics	Scituate	Plymouth County	Massachusetts
Household Characteristics			
Total Population	17,863/18,128	472,822/499,759	6,349,097/6,646,144
% less than 18 years	26.1%/25.6%	26.8%/23.1%	23.6%/21.1%
% 65 years or more	15.3%/16.5%	11.8%/15.1%	13.5%/14.5%
Median age	40.7/45.2 years	36.8/41.7 years	36.5 /39.5 years
% family households	73.5%/73.9%	72.7%/72.6%	64%/63.4%
% nonfamily households[4]	26.5%/26.1%	27.3%/27.4%	36.0%/36.6%
Ave. household size	2.64/2.62 persons	2.74/2.68 persons	2.51 /2.54 persons
Median household Income	$70,868/$92,287	$55,615/$73,396	$50,502/$65,339
Individuals in poverty	2.6%/2.9%	6.6%/7.4%	9%/11.9%
% earning less than $25,000	23.9%/8.8%	20.5%/15.7%	24.6%/20.9%
% earning more than $100,000	13.1%/47.2%	18.8%/34.6%	17.7%/31.6%
Housing Characteristics			
Total housing units	7,685/7,848	181,524/201,028	2,621,989/2,810,394
% occupied housing	87.1%/87.4%	92.7%/90.3%	93.2%/89.8%
% owner-occupied	83.0%/80.8%	75.6%/77.7%	61.7%/62.2%
% renter-occupied	17.0%/19.2%	24.4%/22.3%	38.3%/37.8%
% seasonal or occasional use*	10.6%/10.9%	4.7%/5.1%	3.6%/4.1%
% in single-family, detached structures	86.2%/83.4%	71.7%/71.1%	52.4%/52.3%
Median sales price 2000/May 2014	$276,000/$480,000	$179,000/$240,000	$185,700/$305,000

Source: U.S. Census Bureau, 2000 and American Community Survey 5-Year Estimates, 2008-2012 for Scituate and I-year Estimates for County and State; and *Banker & Tradesman* for housing values.
*From U.S. Census 2010.

- *Older Population*
  In comparison to Plymouth County and state, Scituate's population tends to be significantly older on average, with a median age of 45.2 years as opposed to 41.7 years for the county and 39.5 years for the state. While this is further reflected in a higher percentage of those 65 years of age or older, Scituate also had a higher percentage of children than the county and state.

- *More Families*
  Scituate had a higher percentage of families than the county and the state at 73.9% versus 72.6% and 63.4%, respectively. This correlates with a higher percentage of children in Scituate although the county had a higher average household size.

[4] Non-family households are those single individuals or those living together who are unrelated.

- *Higher Incomes*
  Median income levels were substantially higher in Scituate, $92,287 as opposed to $73,396 and $65,339 for the county and state, respectively. Also, Scituate had a lower proportion of residents living in poverty, at 2.9% compared to 7.4% for the county and 11.9% for the state, as well as both a lower percentage of households earning less than $25,000 and a higher proportion of those earning more than $100,000.

- *Lower Housing Growth*
  Scituate's housing growth rate between 2000 and 2012 was 2.1%, a bit higher than the 1.5% population growth rate but lower than the housing growth rates for both the county and state at 10.7% and 7.2%, respectively.

- *Higher Level of Homeownership*
  Of the 7,848 total housing units in 2012, Scituate had 6,858 occupied units, of which 80.8% were owner-occupied compared to 77.7% and 62.2% for the county and state.

- *Housing Market Conditions*
  Median housing prices provide a comparison of the Scituate housing market to that of Plymouth County and the state, demonstrating higher market values -- $480,000 for Scituate, $240,000 for the county and $305,000 for the state. To afford a home price of $480,000, a household would have to earn about $107,400, significantly higher than median household income level of almost $92,287. While house prices softened somewhat in recent years they are on the rise and in combination with high property taxes, rising energy bills and insurance costs, can cause a serious financial strain on long-term residents, particularly those with fixed incomes.

- *Supply of Workforce Housing*
  Based on recent sales data from the Multiple Listing Service for single-family homes, there are very limited habitable, year-round homes available in Scituate for under $300,000. The houses that sold for less than $300,000 tend to be older homes, typically smaller capes or summer cottages and not atypically marketed as "handyman specials" requiring lots of "TLC".

The Housing Needs Assessment identified a number of key indicators that suggest there are significant unmet local needs that go beyond what is required to meet the 10% state goal including:

1. Households with Limited Incomes

Need: Given the high costs of housing, more subsidized rental housing is necessary to make living in Scituate affordable, particularly to those who have very limited financial means.

Goal: About three-quarters of all new affordable units created should be rentals.

2. Gaps in Affordability and Access to Affordable Housing

Need: Wider range of affordable housing options including first-time homeownership opportunities, particularly for younger households entering the job market and forming their own families, as well as seniors looking to downsize from their existing single-family homes.

Goal: About one-quarter of all new affordable units created should be directed to homeownership, either small starter homes or affordable condominiums.

3. Disabilities and Special Needs

Need: Some amount of new housing should be built adaptable or accessible to the disabled, and seniors as well as other special needs populations require more units with supportive services.

***Goal*:** 10% of all new affordable units created should be made handicapped accessible and/or include on-site support services.

4. Housing Conditions

Need: Programs to support necessary home improvements, including deleading and septic repairs for units occupied by low- and moderate-income households, particularly the elderly living on fixed incomes, and including investor-owned properties tenanted by qualifying households.

***Goal*:** Continue to help qualifying households access assistance to make necessary home improvements.

1.3 Summary of Production Goals

The state administers the Housing Production Program that enables cities and towns to adopt an affordable housing plan that demonstrates production of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate would have to produce at least 36 affordable units annually to meet these production goals. If the state certifies that the locality has complied with its annual production goal, the Town may be able, through its Zoning Board of Appeals, to deny comprehensive permit applications for a period of a year. If it produced 72 affordable units in any one year it would be "certified" for two years.[5][6]

Using the strategies summarized in Section 6, the Town of Scituate has developed a Housing Production Program to project affordable housing production activity over the next five (5) years. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. Production goals over the next five (5) years include the creation of a potential 250 affordable units.

The state's subsidizing agencies have also entered into an Interagency Agreement that provides more guidance to localities concerning housing opportunities for families with children and are now requiring that at least 10% of the units in affordable production developments that are funded, assisted or

[5] If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

approved by a state housing agency have three or more bedrooms with some exceptions (e.g., age-restricted housing, assisted living, supportive housing for individuals, SRO's. etc.).

1.4 Summary of Housing Strategies

The strategies outlined below are based on previous plans, reports, studies, a recent survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Planning and Regulatory Reform and Housing Development – and prioritized. Priority 1 actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority 2 strategies involve focused attention after the next couple of years. A summary of these Housing Strategies is included in Table 1-2.

It should be noted however, that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of accessory apartments or even workforce housing for those earning above 80% of area median income but still priced out of the private housing market).

It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels. Moreover, the proposed actions present opportunities to judiciously invest limited Community Preservation and Housing Trust funding to build local capacity, modify or create new local zoning provisions and development policies, subsidize actual unit production (predevelopment funding and/or subsidies to fill the gap between total development costs and the affordable rent or purchase prices) and leverage additional resources.

1.4.1 Capacity Building Strategies

In order to be able to carry out the strategies included in this Housing Plan and meet the production goals, it will be important for the Town of Scituate to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production.

- *Conduct ongoing educational campaign*
  Continue to engage the community in discussions on affordable housing to present information on the issue needed to dispel myths and negative stereotypes and to help galvanize local support, political and financial, for new production. Also provide information to residents on the range of housing assistance programs available in the community, region and state.

- *Secure Professional Support*
  Obtain Community Preservation funding to bring on a part-time housing consultant to effectively coordinate the implementation of various components of this Housing Plan. Those communities that have made notable progress in implementing their Housing Plans have largely done so with professional support.

- *Access housing resources*
  Reach out to private, public and nonprofit entities to secure additional housing resources – technical and financial – in support of efforts to produce affordable housing, using Community Preservation and Housing Trust funds as important leverage.

- *Create an inventory of properties potentially suitable for affordable housing*
  In concert with other Town boards and committees, review the inventory of publicly-owned properties and determine which parcels might be appropriate for some amount of affordable housing development.

- *Encourage training for board and committee members*
  Promote opportunities for Town board and committee members to take advantage of ongoing training and educational programs related to affordable housing.

1.4.2 Planning and Regulatory Strategies

The Town of Scituate should consider the following planning and zoning-related strategies to provide appropriate incentives and guidance to promote the creation of additional affordable units and smart growth development.

- *Adopt inclusionary zoning*
  Adopt inclusionary zoning to ensure that any new residential development in Scituate includes a percentage of affordable units.

- *Adopt Affordable Housing Guidelines*
  Prepare and approve Affordable Housing Guidelines to provide guidance to developers on the types of housing proposals that will be acceptable to the community.

- *Allow residential development under more conditions*
  Amend the Zoning Bylaw to allow more types of housing in more areas, accompanied by design guidelines.

- *Amend the accessory apartment bylaw*
  Amend the existing accessory apartment bylaw to better promote new accessory units that meet a range of local needs and help diversify the housing stock without significant impacts on the surrounding neighborhood.

- *Allow starter housing on nonconforming lots*
  Explore zoning options for promoting starter homes on lots that do not meet minimum area or dimensional requirements but might still be suitable for the development of smaller homes, and prepare and adopt a zoning bylaw to enable these lots to be developed under specific criteria.

- *Pursue tax title properties*
  Monitor the status, availability and appropriateness of tax title property for affordable housing and convey suitable properties based on competitive requests for proposals.

- *Change permit fee policies*
  Consider waiving various permit fees as additional incentives and financial support for affordable housing.

- *Explore use of 40R/40S*
  Explore the adoption of 40R and 40S to promote smart growth and mixed-use, mixed-income development in suitable locations, securing important state subsidies to help make projects financially feasible and cover financial burdens related to additional school costs.

1.4.3 Housing Development Strategies

To accomplish the actions included in this Housing Plan and meet production goals, it will be essential for the Town of Scituate to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to create actual affordable units.

- *Make publicly-owned property available for affordable housing*
  Conduct necessary feasibility studies on publicly-owned properties and convey suitable properties to developers for affordable housing.

- *Support private development in line with local guidelines*
  Reach out to area developers who have been active in producing affordable housing to discuss the Town's interest in promoting these units, possible areas and opportunities for new development, local guidelines and priorities for new development, and the prospects for working together in the future. This will be particularly useful after the Town has produced Affordable Housing Guidelines and has passed key zoning changes.

- *Convert existing housing to long-term affordability*
  Explore various program models for converting existing housing to units that have long-term affordability restrictions.

- *Support new infill housing*
  Work with non-profit and for profit developers as well as with abutters of vacant land to develop new infill housing on available vacant sites scattered throughout town.

Table 1-2: Summary of Housing Strategies

Strategies	Priority for Implementation		# Affordable Units	Responsible Parties**
	Priority 1 Strategies	Priority 2 Strategies		
Capacity Building Strategies				
1. Conduct ongoing educational campaign	X		*	HT/PB
2. Secure professional support	X		*	BOS/PB/HT/CPC
3. Access housing resources	X		*	BOS/HT
4. Create property inventory	X		*	PB/HT
5. Encourage training for board and committee members	X		*	BOS/HT/CPC
Planning and Regulatory Strategies				
1. Adopt inclusionary zoning	X		*	PB/HT
2. Adopt Housing Guidelines	X		*	PB/HT/ZBA
3. Allow residential development under more conditions		X	*	PB/HT
4. Amend Zoning Bylaw to allow accessory apartments by right		X	*	PB/HT
5. Allow starter housing on nonconforming lots		X	*	PB/ZBA
6. Pursue use of tax title properties for afford housing		X	*	BOS/HT/ Town Treasurer
7. Change permit fee policies		X	*	BOS/HT
8. Explore use of 40R/40S	X		*	PB/HT
Housing Development Strategies				
1. Make suitable public property available for affordable housing	X		113	BOS/HT
2. Support private development in line with local guidelines	X		113	HT
3. Convert existing housing to long-term affordability		X	8	HT
4. Support new infill housing		X	16	HT

** Indicates actions for which units are counted under other specific housing production strategies, have an indirect impact on production, or do not add to the Subsidized Housing Inventory.*

****Abbreviations**

Board of Selectmen = BOS
Housing Trust = HT
Planning Board = PB
Community Preservation Committee = CPC
Scituate Housing Authority = SHA
Zoning Board of Appeals = ZBA Council on Aging = COA

2. INTRODUCTION

Due largely to an imbalance between supply and demand for housing throughout the Boston region, housing prices continue to be high in most communities in proximity to Boston despite the bursting of the housing bubble that occurred a few years ago as part of the nation's financial crisis. Those more desirable locations, including small coastal communities with well-regarded school systems such as Scituate, have some of the highest real estate values.

With median single-family house sales hovering at about $480,000 and very limited habitable year-round homes on the market for less than $300,000, it is increasingly more difficult for buyers to find housing that they can afford even with some softening of the housing market, particularly if they have not owned a home in the past. This situation presents a particular problem for young families who are attempting to purchase their first home, for Town employees seeking to live in Scituate closer to work, or for families or individuals looking for year-round rental opportunities. The trend towards larger homes also makes it difficult for empty nesters to downsize to smaller units with reduced maintenance needs.

2.1 Purpose

This Housing Production Plan represents an opportunity for the Town to update the Housing Production Plan that was completed in 2008 and recently expired. This Plan enables the Town to obtain an updated understanding of recent demographic and economic trends as well as housing market conditions that establish the context for documenting the range of local needs and existing resources, remaining gaps in housing services and programs, as well as current obstacles to development. The planning process enabled the Town to review the progress that has been made with respect to affordable housing and smart growth development and reassess and reprioritize strategies for meeting unmet local housing needs in line with community priorities and resources. This Plan also identifies production goals, per the requirements of the state's Housing Production Program, to offer the Town more control over housing development.[7]

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[7] The Massachusetts Department of Housing and Community Development (DHCD) is administering the this Housing Production Program in accordance with regulations that enable cities and towns to prepare and adopt an affordable housing plan that demonstrates production of an increase of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate will have to produce at least 36 affordable units annually to meet these ambitious production goals.

If a community has achieved certification within 15 days of the opening of the local hearing for the Comprehensive Permit, the ZBA shall provide written notice to the Applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be Consistent with Local Needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

2.2 Housing Goals

As part of the Master Plan approved by Town Meeting in 2004, the Town has adopted the following overall goal for housing:

> *Provide housing that meets the needs of residents of all ages and income levels, while preserving the town's historic homes and traditional neighborhoods.*

To achieve this goal, the Town has established the following objectives:

1) Provide an adequate supply of land that is appropriately zoned and encourage a variety of housing options to better serve the wide range of ages and income levels found in Scituate. Housing options may include cluster development, accessory units, mixed-use development, and multi-family housing where appropriate.

2) Develop guidelines and bylaws to assure that all new residential development is consistent with the town's environment, historic context, and diversity of design. These guidelines may address density, diversity of housing types, architectural styles, and landscaping.

3) Consider housing demand in all future planning for zoning and land use. This should include exploring zoning and land use changes that provide an adequate supply of land for diverse types of housing.

4) Encourage a variety of housing sizes that meets the needs of Scituate residents and discourage the destruction of existing homes, alteration of neighborhood environments, and excessive consumption of resources.

5) Develop a plan for the creation of housing that serves the needs of residents of Scituate and the region and helps meet the state's target percentage of affordable homes. This plan should include re-use of existing structures, use of Town-owned land and innovative ways of providing affordable housing throughout the community.

6) Work cooperatively with developers and the state to obtain some level of local preference in new affordable housing developments for persons living or working in Scituate.[8]

[8] State local preference requirements may allow a community to reserve up to 70% of affordable units in any development for those who live or work in the community or have children in the local public schools if the locality can demonstrate local need and no discriminating efforts of such a preference.

3. HOUSING NEEDS ASSESSMENT[9]

This Housing Needs Assessment presents an overview of the past, current and future demographic, economic and housing characteristics and trends in the town of Scituate, providing the context within which a responsive set of strategies can be developed to address housing needs and meet production goals.

3.1 Demographic Profile

3.1.1 Population Growth – Little or no recent growth

Population growth in the mid-20th century increasingly put pressures on the housing market, especially between 1950 and 1970 when the population tripled in size. The Town's annual census indicates a higher rate of growth since 1980 than census figures as noted in Table 3-1. As of July 7, 2014 the population was 18,848 based on local records, significantly higher than 2012 census estimates of 18,128 residents. MAPC population projections suggest some small declines in population through 2030 (see Table 3-4).

Table 3-1: Population Growth 1910-2012

Year	Population	Change in # Residents	Percentage Increase
1910	2,482	-	-
1920	2,534	52	2.1
1930	3,118	584	23.0
1940	4,130	1,012	32.5
1950	5,993	1,863	45.1
1960	11,214	5,221	174.4
1970	16,744	5,530	49.3
1980	17,316 (17,317)	572 (573)	3.4 (3.4)
1990	18,002 (16,786)	686 (-531)	4.0 (-3.1)
2000	19,317 (17,863)	1,315 (1,077)	7.3 (6.4)
2010	(18,133)	(270)	(1.5)
2012	(18,128)	(-5)	-(0.03)

Source: U.S. Census Bureau and Town of Scituate. Numbers in parentheses are from the census.

Population growth in Scituate over the decades since 1940 is graphically presented in Figure 3-1.

3.1.2 Age Distribution

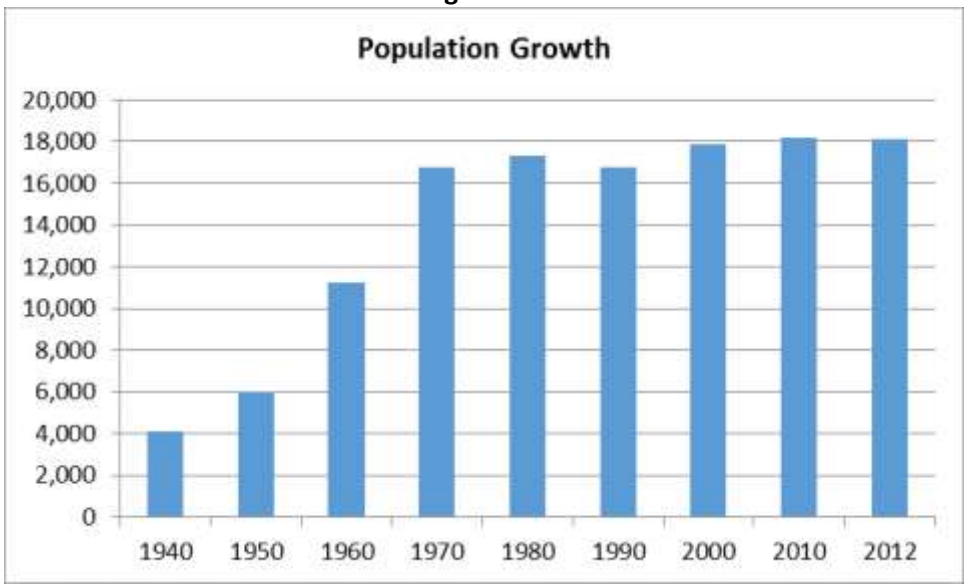
Demographic shifts over the past several decades indicate fewer school age children, fewer younger adults and more seniors. These trends are further reflected in changes in the median age which increased from 40.7 years in 2000 to 45.2 by 2012.

Information on the distribution of ages is presented in Tables 3-2 and 3-3, demonstrating the following trends:

[9] It should be noted that the Housing Needs Assessment includes the most up-to-date data available. When 2010 census data is not available, the most recent issue of the Census Bureau's American Community Survey (ACS) is used for various types of census data and is often also included in the analysis even when actual counts are available. Because the ACS is based on a sample, it is subject to sampling error and variation.

Fewer Children
The school-age population of those less than 18 years of age has decreased in numbers and in proportion to the total population since 1980. In 2010 this group comprised 25.1% of the population, or 4,560 persons, down proportionately from 30.7% of the population and 5,316 residents in 1980.

Figure 3-1



Source: U.S. Census and American Community Survey 5-Year Estimates, 2007-2012

Substantial Declines in Younger Adults
Demographic trends also suggest that escalating housing costs may be pricing younger individuals and families out of the housing market. The population age 21 to 34 decreased by about half, from 3,361 residents in 1980 to 1,578 in 2010 with little change by 2012. Those entering the labor market and forming new families have been dwindling in numbers, reducing the pool of entry level workers and service employees as well as potentially forcing the grown children who were raised in town to relocate outside of Scituate.

Significant Growth in Middle-aged Residents
Those between the ages of 45 and 64, who are well into their careers and child-rearing, increased from 21.8% of all residents in 1980 to one-third by 2012. Many of these residents are part of the baby boom generation and in the prime of their earning potential. This increase is older adults is likely related to the relatively high housing costs that require higher incomes and typically equity in a previous house to enter the private housing market.

Growing Numbers of Older Adults
In 2010 there were 3,114 persons 65 years of age or older, representing 17.2% of the population as compared to 1,810 or 10.4% of the total population in 1980. This level of older adults was higher in Scituate than it was for Plymouth County or the state at 15.1% and 14.5%, respectively, in 2010. These increases suggest a greater need for handicapped accessibility and supportive services to be integrated into future housing development as well as more options for seniors to down-size to apartments or condominiums without substantial maintenance demands.

It should be noted that the Town Clerk's report on Scituate's census, as summarized in Table 3-3, shows a significantly higher total population of 18,848 residents and some substantial variations in the distribution of ages. For example, Town records indicate much fewer children and more young adults as well more residents in the 65 to 74 age range in addition to the frail elderly 85 years of age or older.

Table 3-2: Age Distribution
1980 to 2010

Age Range	1980		1990		2000		2010	
	#	%	#	%	#	%	#	%
Under 5 Years	921	5.3	1,139	6.8	1,235	6.9	957	5.3
5 – 17 Years	4,395	25.4	2,785	16.6	3,425	19.2	3,603	19.9
18 – 20 Years	790	4.6	603	3.6	386	2.2	480	2.6
21 – 24 Years	960	5.5	842	5.0	358	2.0	512	2.8
25 – 34 Years	2,401	13.9	2,494	14.9	1,666	9.3	1,066	5.9
35 – 44 Years	2,264	13.1	2,803	16.7	3,275	18.3	2,423	13.4
45 – 54 Years	2,015	11.6	2,096	12.5	2,862	16.0	3,339	18.4
55 – 59 Years	1,031	6.0	942	5.6	1,059	5.9	1,419	7.8
60 – 64 Years	730	4.2	848	5.0	871	4.9	1,220	6.7
65 – 74 Years	996	5.8	1,284	7.6	1,508	8.4	1,605	8.9
75 – 84 Years	621	3.6	667	4.0	907	5.1	1,088	6.0
85 Years +	193	1.1	283	1.7	311	1.7	421	2.3
Under 18	5,316	30.7	3,924	23.4	4,660	26.1	4,560	25.1
Ages 21-34	3,361	19.4	3,336	19.9	2,024	11.3	1,578	8.7
65+	1,810	10.4	2,234	13.3	2,726	15.3	3,114	17.2
Total	17,317	100.0	16,786	100.0	17,863	100.0	18,133	100.0
Median Age					40.7 years		45.2 years	

Source: U.S. Census Bureau

Table 3-3: Age Distribution
2010, 2012 and 2014

Age Range	2010 (Census)		2012 (Census Estimates)		2014 (Town Clerk)	
	#	%	#	%	#	%
Less than 5 Years	957	5.3	788	4.3	432	2.3
5-14 Years	2,781	15.3	3,124	17.2	2,101	11.1
15-19 Years	1,171	6.5	992	5.5	1,312	7.0
20-24 Years	643	3.5	530	2.9	1,330	7.1
25-34 Years	1,066	5.9	1,026	5.7	1,672	8.9
35-44 Years	2,423	13.4	2,549	14.1	1,834	9.7
45-54 Years	3,339	18.4	2,960	16.3	3,162	16.8
55-64 Years	2,639	14.6	3,165	17.5	3,116	16.5
65-74 Years	1,605	8.9	1,399	7.7	2,161	11.5
75-84 Years	1,088	6.0	1,115	6.2	1,142	6.1
85+	421	2.3	480	2.6	586	3.1
TOTAL	18,133	100.0	18,128	100.0	18,848	100.0

Sources: U.S. Census Bureau 2010 and American Community Survey, 5-Year Estimates 2007-2012; Scituate Town Clerk July 7, 2014.

The Metropolitan Area Planning Council (MAPC), the Boston region's planning agency, prepared population and housing demand projections for Metro Boston that included regional projections as well as municipal forecasts. Recognizing that the future cannot be predicted with any certainty, the projections included two different scenarios for future growth. The first "Status Quo" projections are based on the continuation of existing rates of births, deaths, migration and housing occupancy. The second "Stronger Region" projections are based on changing trends that could result in higher population growth, increased housing demand, and a larger workforce, relying on the following assumptions:

- The region will attract more people than it does today, particularly young adults;
- Younger households born after 1980 will be more inclined to live in urban areas with less of an inclination to live in single-family homes; and
- An increasing number of older adults will chose to downsize from their single-family homes to apartments or condominiums.

Table 3-4: 2010 (Census) and 2020 and 2030 Population Projections

Age Range	**2010 Census**		**2020 Projections Status Quo/Stronger Region**		**2030 Projections Status Quo/Stronger Region**	
	#	**%**	**#**	**%**	**#**	**%**
Under 5 Years	957	5.3	758/754	4.3/4.2	790/819	4.5/4.6
5 –14 Years	2,781	15.3	2,238/2,250	12.7/12.5	2,090/2,131	12.0/11.8
15 – 19 Years	1,171	6.5	1,122/1,149	6.3/6.4	937/957	5.4/5.3
20 – 24 Years	643	3.5	638/669	3.6/3.7	500/527	2.9/2.9
25 – 34 Years	1,066	5.9	1,255/1,323	7.1/7.4	1,276/1,383	7.3/7.7
35 – 44 Years	2,423	13.4	1,949/1,990	11.0/11.1	2,212/2,322	12.7/12.9
45 – 54 Years	3,339	18.4	1,984/2,007	11.2/11.2	2,105/2,166	12.3/12.0
55 – 64 Years	2,639	14.6	3,169/3,198	17.9/17.8	2,027/2,071	11.6/11.5
65 – 74 Years	1,605	8.9	2,325/2,343	13.2/13.1	2,816/2,855	16.1/15.9
75 – 84 Years	1,088	6.0	1,144/1,154	6.5/6.4	1,690/1,710	9.7/9.5
85 Years and Over	421	2.3	544/552	3.1/3.1	658/671	3.8/3.7
Total	18,133	100.0	17,680/ 17,948	100.0/ 100.0	17,482/ 17,994	100.0/ 100.0
Population Under 20	4,909	27.1	4,188/4,153	23.7/23.1	3,817/3,907	21.8/21.7
Population Age 65+	3,114	17.2	4,013/4,049	22.7/22.6	5,164/5,236	29.5/29.1

Source: 2010 U.S. Census Bureau and Metropolitan Area Planning Council's Population and Housing Demand Projections for Metro Boston, January 2014.

MAPC's projections for Scituate are summarized in Table 3-4 and Figure 3-2, suggesting the following population trends through 2030:

- Relatively stable population through 2030 with some moderate drop in the number of residents and only small differences between the Status Quo and Stronger Region projections.
- Continuing declines in the number and percentage of children with those under 20 decreasing from 27.1% of the population in 2010 to 21.8% by 2030.
- Continuing fall-off of those in the 20 to 24 age range.

- Relative stability of younger adults age 25 to 44 who will continue to represent about one-fifth of the population by 2030.
- A substantial decrease in middle-aged residents age 45 to 64, from one-third to one-fifth of all residents between 2010 and 2030.
- *Substantial increases in the population 65 years of age and older, from 17.2% in 2010 to almost 30% by 2030. This increase includes the aging baby boomers and suggests that the Town undertake appropriate planning to accommodate an aging population that is likely to have special needs in the future.*

Figure 3-2

Change in Age Distribution: 2010 Census With 2020 and 2030 Projections

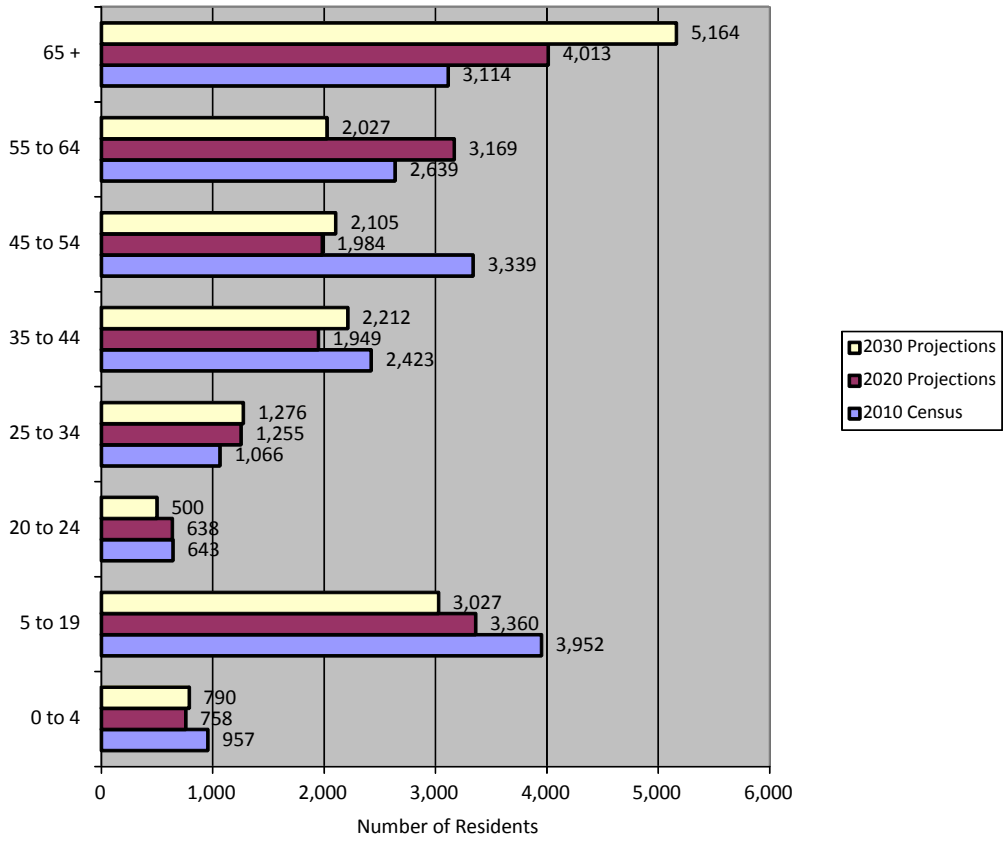
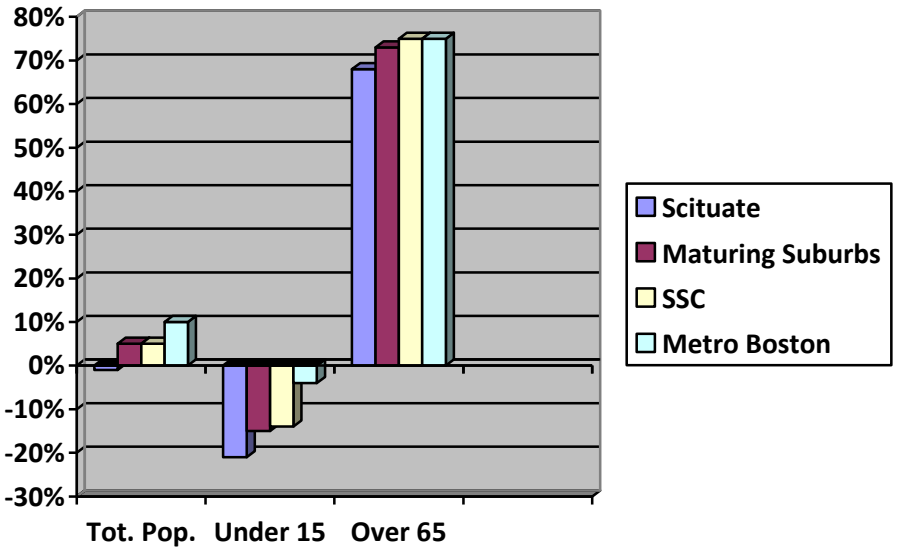


Figure 3-3 compares the percentage change in total population, those under 15 years of age, and those over 65 for Scituate with other Maturing Suburbs in the Boston region, the South Shore subregion, and the entire Metro Boston area. As this figure so dramatically demonstrates, Scituate has the only projected decline in population during this period but also the greatest predicted decrease in the number of children. While not as extreme as the other areas, Scituate is also projected to experience substantial increases in those over the age of 65.

Figure 3-3
Population Change Comparison, 2010 to 2030



3.1.3 Types of Households—Increasing numbers of smaller households

A summary of race and household characteristics for 1980 through 2010 is included in Table 3-5.

Table 3-5: Race and Household Characteristics
1980-2010

	1980		1990		2000		2010	
	#	%	#	%	#	%	#	%
Total Population	17,317	100.0	16,786	100.0	17,863	100.0	18,133	100.0
Total Number Households	5,579	100.0	6,033	100.0	6,694	100.0	6,859	100.0
Family Households**	4,545	81.5	4,558	75.6	4,921	73.5	4,926	71.8
Female Heads of Households**	229 w/ children	4.1	597	9.9	549 (250 w/children	8.2/3.7	585(245 w/children)	8.5/3.6
Non-family Households**	1,034	18.5	1,475	24.4	1,773	26.5	1,933	28.2
Minority Population*	142	0.8	441	2.6	587	3.3	708	3.9
Average Household Size	3.12 persons		2.75 persons		2.64 persons		2.62 persons	

Source: U.S. Census Bureau
*All non-White classifications
** Percent of all households

There were 6,859 households[10] living in Scituate in 2010, up 22.9% from 5,579 households in 1980.

[10] The use of the term "household" in this plan is as defined by the U.S. Bureau of the Census, that is, all the people who occupy a housing unit. A household includes the related family members and all the

Throughout the twentieth century, the average size of the American household has decreased, and the size of Scituate households has followed this trend. In 1980, the average household in Scituate contained 3.12 people. According to the U.S. Census, by 1990 this figure had declined to 2.75, then to 2.64 persons in 2000 and 2.62 by 2010. Higher divorce rates, families with fewer children, and an increase in single person households have all contributed to this trend.

The decrease in household size is also consistent with Scituate's gradual increase in non-family households from the 1980's to the present. Non-family households have increased by 86.7% since 1980, becoming a more significant part of Scituate and representing 28.2% of all households. This increase is reflective of regional and national trends towards smaller and more nontraditional households. These non-family households, comprised of single or non-related persons excluding single parents or grandparents with children, increased by 899 households from 1980 to 2010, up from 18.5% of all households in 1980 to 28.2% by 2010. While family households increased by 368, they decreased as a proportion of all households from 1980 to 2010, from 81.5% to 71.8%. The number of female-headed households with children increased by only 16 such households between 1980 and 2010 but declined in proportion to all households from 4.1% to 3.6% during this same period.

The tendency towards smaller families may affect the type of housing units that are in demand. As family sizes decrease there is typically a greater need for smaller homes as well as increased demand for apartments or condominiums.

3.1.4 Race – Small but increasing minority population

The population has remained predominately White although the growth in minority households has been steadily increasing over the past three decades. For example, in 2010 the census counted 708 persons or 3.9% of the population as minorities, up from 142 persons and 0.8% in 1980. More than one-quarter of the 2010 minority population identified themselves as Hispanic, about another 15% as Black or African American and one-fifth as Asian. Most of the remaining minority residents claimed identification with two or more races.

3.2 Economic Profile

3.2.1 Income Distribution - Residents of Scituate are on average becoming significantly more affluent.

The median household income in 2012 was $92,287, high in comparison to the county and state medians of $73,396 and $65,339, respectively. Scituate's 2012 median income was up 30.2% from the median income in 1999 of $70,868, 77.3% from the 1989 median income of $52,044 and a huge increase over the median income in 1979 of $25,694, not adjusted for inflation. A comparison of 1979, 1989, 1999 and 2012 income figures is presented in Table 3-6.

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unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household.

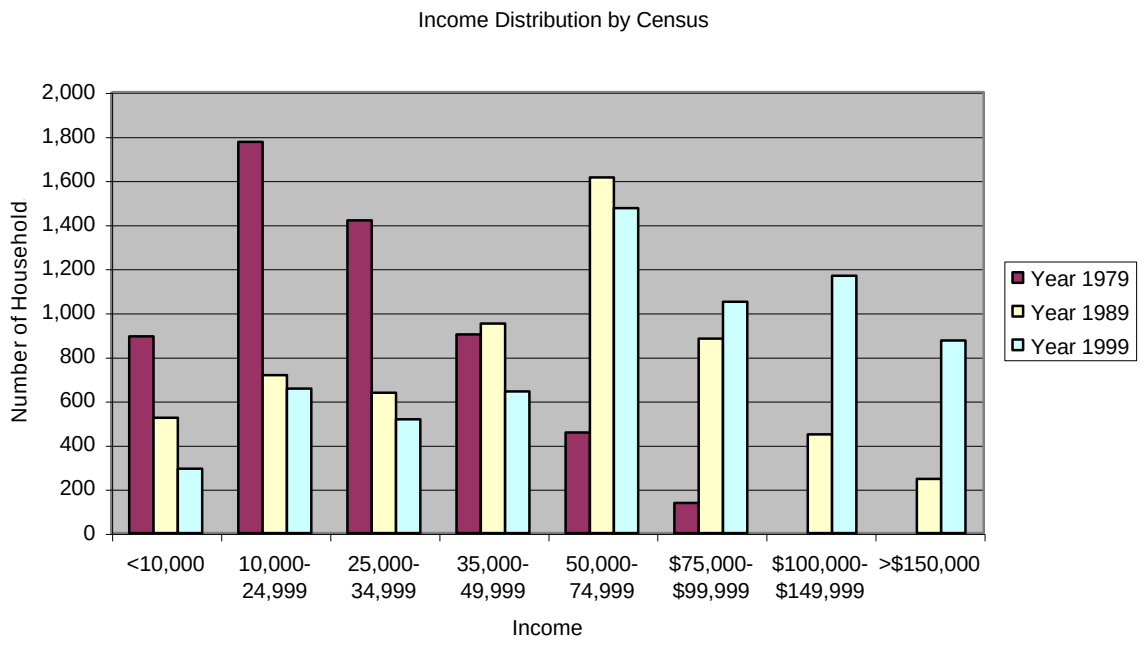
Table 3-6: Income Distribution by Household
1979-2012

	1979		1989		1999		2012	
	#	%	#	%	#	%	#	%
Under $10,000	893	16.0	523	8.7	292	4.4	134	2.0
10,000-24,999	1,774	31.8	716	11.9	655	9.8	464	6.8
25,000-34,999	1,419	25.4	636	10.6	516	7.7	502	7.3
35,000-49,999	901	16.2	950	15.8	643	9.6	533	7.8
50,000-74,999	456	8.2	1,614	26.8	1,474	22.1	1,309	19.1
75,000-99,999	136	2.4	882	14.7	1,050	15.7	676	9.9
100,000-149,999			448	7.4	1,167	17.5	1,381	20.1
150,000 or more			245	4.1	873	13.1	1,859	27.1
Total	5,579	100.0	6,014	100.0	6,670	100.0	6,858	100.0
Median household income	$25,694		$52,044		$70,868		$92,287	

Source: U.S. Census Bureau 1980, 1990 and 2000 and American Community Survey 5-Year Estimates, 2008-2012

There were decreases in the numbers of households in all of the income ranges except for those earning above $50,000 between 1980 and 2000 (excluding an increase in the numbers earning between $35,000 and $49,999 between 1980 and 1990) and even a decrease in those earning between $50,000 and $75,000 from 1990 to 2000. Those households earning more than $100,000 almost tripled between 1989 and 1999 – from 693 to 2,040 households. The income distribution for those households that include children – families – is somewhat higher with a median family income in 2012 of $115,288, with 2,922 families or almost 58% of all families earning more than $100,000, including 1,011 or about 20% earning more than $200,000.

Figure 3-4



The chart above clearly demonstrates the tremendous increase in income levels for households in Scituate over the past several decades. Despite inflation these figures are dramatic, as more recent data

shows that those earning above $100,000 now comprise about half of all households residing in Scituate, while 30 years ago there were few if any in this income category.

Table 3-7 offers some comparison of Scituate's 1999 and 2012 median household income levels to those of neighboring communities. The 2012 median incomes levels ranged from a low of $91,849 in Marshfield to $120,508 in Cohasset. The greatest increase in median income occurred in Cohasset where there was a 43.2% increase between 1999 and 2012 compared to 30.2% in Scituate and 29.4% statewide. Scituate's 2012 median income level, while substantially higher than the statewide median of $65,339, is in the lower range of this comparison, a bit higher than Marshfield's.

Table 3-7: Comparison of Median Household Incomes in South Shore Towns 1999 and 2012

Town	Median Household Income		% Change
	1999	2012	1999-2012
Cohasset	$84,156	$120,508	43.2%
Duxbury	$97,124	$117,197	20.7%
Hanover	$73,838	$99,856	35.2%
Hingham	$83,018	$98,442	18.6%
Marshfield	$66,508	$91,849	38.1%
Scituate	**$70,868**	**$92,287**	**30.2%**
Massachusetts	**$50,500**	**$65,339**	**29.4%**

Source: U.S. Bureau of the Census, 2000, and American Community Survey 3-Year Estimates, 2010-2012 or 5-Year Estimates 2008-2012

Scituate's income distribution is in fairly striking contrast to that of Plymouth County as a whole when viewed proportionately as demonstrated in Table 3-8.

Table 3-8
Income Distribution by Household: Plymouth County vs. Scituate
1999 and 2012

Income Range	Plymouth County				Scituate			
	1999		2012		1999		2012	
	#	%	#	%	#	%	#	%
Under $10,000	10,990	6.5	7,865	4.3	292	4.4	134	2.0
10,000-24,999	23,509	14.0	20,816	11.4	655	9.8	464	6.8
25,000-34,999	15,827	9.4	13,463	7.4	516	7.7	502	7.3
35,000-49,999	24,301	14.4	19,288	10.6	643	9.6	533	7.8
50,000-74,999	37,053	22.0	31,280	17.2	1,474	22.1	1,309	19.1
75,000-99,999	25,077	14.9	26,104	14.4	1,050	15.7	676	9.9
100,000-149,999	20,722	12.3	32,984	18.2	1,167	17.5	1,381	20.1
150,000 or more	10,969	6.5	29,741	16.4	873	13.1	1,859	27.1
Total	168,448	100.0	181,541	100.0	6,670	100.0	6,858	100.0
Median household income	$55,615		$73,396		$70,868		$92,287	

Source: U.S. Census Bureau 2000 and American Community Survey 5-Year Estimates (2008-2012) for Scituate and 1-Year Estimates (2012) for Plymouth County

The percentage of those earning less than $75,000 was about two-thirds for Plymouth County in 1999 and half of all households by 2012 in contrast to half of all Scituate households in 1999 and

down to 43% by 2012. On the other hand, by 2012 those earning above the $100,000 threshold included more than one-third of households in the county versus almost one-half in Scituate. Scituate's median household income was also significantly higher than that of Plymouth County.

Despite increasing household wealth, there still remains a population living in Scituate with very limited financial means. Of the 6,858 estimated households in 2012, 598 or 8.8% had incomes of less than $25,000, representing extremely low-income levels at or below 30% of area median income. An additional 1,035 households had incomes between $25,000 and $50,000. Consequently almost one-quarter of all Scituate households had limited incomes of less than $50,000, which is not an insignificant number given the general affluence of the community.

Growing income disparities are also reflected in a comparison of income levels for owners and renters as presented in Table 3-9. About half (45.7%) of renters earned within $50,000 compared to only 18.6% of homeowners. On the other hand, half of the homeowners (53.2%) earned more than $100,000 compared to 22.3% of the renter households. The income disparity between owners and renters is also reflected in median income levels of $108,922 and $53,846, respectively, for 2012.

Table 3-9: Income Distribution by Tenure
2012

Income Range	Homeowners		Renters	
	#	%	#	%
Under $10,000	75	1.4	59	4.5
10,000-24,999	236	4.3	228	17.3
25,000-34,999	347	6.3	155	11.7
35,000-49,999	372	6.7	161	12.2
50,000-74,999	941	17.0	368	27.9
75,000-99,999	622	11.2	54	4.1
100,000-149,999	1,218	22.0	163	12.3
150,000 +	1,727	31.2	132	10.0
Total	5,538	100.0	1,320	100.0
2012 Median income	$108,922		$53,846	
2000 Median income	$78,690		$33,357	

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates, 2008-2012

3.2.2 Poverty – Decreasing poverty

The Federal Department of Health and Human Services issues the federal poverty guidelines yearly for administrative purposes.[11] Financial eligibility for many federal housing programs is based on these guidelines. Many of the people who fall within this category are disabled, elderly, or unemployed.

The 2012 census estimates indicate that the absolute numbers of those with incomes below the poverty level decreased between 1979 and 2012 as shown in Table 3-10 after increasing somewhat in 1989. There was a small increase in the numbers of those living in poverty between 1999 and 2012, from 451 individuals to 526, representing 2.9% of all residents. More than one-fifth of the individuals below the poverty level were 65 years of age or older including 114 seniors.

[11] The 2012 federal poverty level from the U.S. Department of Health and Human Services was $11,170 for an individual and $19,090 for a three-person household.

Table 3-10: Poverty Status
1979-2012

	1979		1989		1999		2012	
	#	%	#	%	#	%	#	%
Individuals Below Poverty	569	3.3	648	3.9	451	2.6	526	2.9
Families	102	2.2	82	1.8	69	1.4	35	0.7
Related Children Under 18 Years (Under 17 Years for 1980 data)	90	1.7	196	5.1	70	1.5	46	1.0
Individuals 65 and Over	68	3.8	146	7.1	122	4.8	114	3.8

Source: U.S. Census Bureau and American Community Survey 3-Year Estimates, 2010-2012
*Percentage of total population
**Percentage of all families
***Percentage of all related children under 18 years
****Percentage of all individuals age 65+

3.2.3 Education – Higher educational attainment and student enrollments

In 2012, almost all (97.6%) of those 25 years and older had a high school diploma or higher, and about half (52.7%) had at least a Bachelor's degree. These levels are higher than the college attainment figures of 33.4% for Plymouth County and 39.3% for the state. Moreover, these figures represent a significant improvement in overall educational attainment from 1990 of 93.3% with at least a high school degree and about 40% with at least a college degree.

Those enrolled in school (nursery through graduate school) totaled 4,841 students or 26.7% of the population, and those enrolled in nursery school through high school totaled 4,227, 87.3% of those who were enrolled in school and 23.3% of the total population. Information on the Scituate Public School District indicates relatively flat enrollment figures at 3,139 students in 2000 and 3,122 in 2014. Also, as noted in Section 3.1.2, demographic projections point to an overall decline in school enrollments over the next several decades.

3.2.4 Disability Status – Significant special needs

A total of 1,441 individuals, representing 8% of the population, claimed a disability according to 2012 census estimates. Of the population under age 18, 158 or 3.4% had some disability, and 408 or 3.9% of those age 18 to 64 also claimed a disability. Another 875 resident age 65 or older claimed a disability, representing 30.8% in this age category.

3.2.5 Employment – Stable and diverse employment base with some concentration of jobs in the service and retail industries

Scituate has a relatively diverse employment base, however, a large segment of the labor force is tied to the service and retail industries that fuel not only year-round residents but seasonal tourism as well. Of those 13,920 Scituate residents over the age of 16 in 2012,[12] 9,248 or two-thirds were in the labor force. Only an estimated 923 Scituate residents or about 10% of the local labor force worked in town. It should also be noted that 78% of workers drove alone to work, another 5.4% carpooled, and another 6.3% either worked at home or walked to work according to the 2012 estimates. An estimated 9.1%

[12] Based the US Census Bureau's 2008-2012 estimates from the American Community Survey.

commuted by public transportation. With the arrival of the commuter rail station in Scituate, it might be expected that a greater percentage of workers would rely on public transportation, particularly given that the average commuting time was about 38.9 minutes and suggested employment opportunities might likely be located in Boston for many residents.

The 2012 data also provided information on the concentration of Scituate workers by industry, indicating that almost half (47.2%) were involved in management, business, science, or arts occupations with the remainder employed in the lower paying retail and service-oriented jobs that support the local economy including sales and office occupations (26.7%), service occupations (12.9%), production and transportation (4.3%), and construction and maintenance (8.9%). More than three-quarters of Scituate's labor force involved salaried workers (78.3%), another 12.6% were government workers, and 9.1% were self-employed.

The state provides detailed labor and workforce data on employment patterns.[13] This information indicates that from a labor force of 9,466 Scituate residents as of April 2014, 9,036 were employed, up from an average annual employment level of 8,930 in 2013. There has also been some relative stability of Scituate's resident workforce over the years as the average annual workforce was 9,519 workers in 2000 compared to 9,479 and 9,466 in 2013 and April 2014, respectively.

Table 3-11: Average Employment and Wages by Industry, 2014

Industry	# Establishments	Total Wages	Average Employment	Ave. Weekly Wage
Construction	53	$7,470,033	163	$881
Manufacturing	7	$2,365,901	57	$798
Wholesale trade	29	$6,396,480	59	$2,085
Retail trade	47	$8,106,933	327	$477
Transportation/warehousing	12	$5,035,929	96	$1,009
Information	9	$963,627	37	$501
Finance/Insurance	12	$6,688,344	111	$1,159
Real estate/rental/leasing	9	$1,041,209	20	$1,001
Professional/technical services	56	$12,686,392	141	$1,730
Administrative/waste services	34	$4,731,499	118	$771
Health care/social assistance	32	$23,100,581	490	$907
Arts/entertainment/recreation	18	$3,846,985	161	$460
Accommodation/food services	26	$10,263,271	643	$307
Other services	85	$5,083,831	210	$466
Total	**453**	**$141,190,226**	**3,483**	**$780**

Source: Massachusetts Executive Office of Labor and Workforce Development, June 2012

Unemployment rates have fluctuated over the years, increasing from 2.2% in 2000 to a high of 6.9% in 2010, and then declining to 5.8% by 2013. As of April 2014, the unemployment rate was still lower, down to 4.5%.

The state workforce data, as presented in Table 3-11, also confirms a mix of employment opportunities with a concentration of lower paying retail and service sector jobs that brings the

[13] Massachusetts Executive Office of Labor and Workforce Development, Municipal Employment Data, June 12, 2014

average weekly wage for those working in Scituate to a relatively low level of $780, less than half of Boston's average weekly wage at $1,585. Despite the focus of service-oriented jobs, Scituate also has a significant number of better paying jobs in the professional and technical industries as well as in health, social services and construction.

3.3 Housing Profile

This section of the Housing Needs Assessment summarizes housing characteristics and trends, analyzes the housing market from a number of different data sources and perspectives, compares what housing is available to what residents can afford, summarizes what units are defined as affordable by the state, and establishes the context for identifying priority housing needs.

3.3.1 Housing Growth

Almost three-quarters of Scituate's housing stock, 5,131 units or 65.4%, was built prior to 1970, however there were significant numbers of units produced between 1970 and 1990, totaling 1,722 units or 21.9% of the housing stock. For the county as a whole, 54% of the units were built prior to 1970, suggesting that Scituate demonstrated a somewhat lower level of housing growth over the last several decades than Plymouth County. Most of Scituate's growth in fact occurred during the mid-20th century, just after World War II, when one-third of Scituate's housing stock was built.

Table 3-12: Year Structure Built
2012

	#	%
2000 to 2009	510	6.5
1990 to 2099	485	6.2
1980 to 1989	914	11.6
1970 to 1979	808	10.3
1960 to 1969	1,087	13.9
1950 to 1959	1,423	18.1
1940 to 1949	534	6.8
1939 or earlier	2,087	26.6
Total	7,848	100.0

Source: U.S. Census Bureau American Community Survey 5-Year estimates, 2008-2012

There has been a moderate expansion in Scituate's overall housing supply since 1980. The 2010 census counted 8,035 housing units, up 4.6% from 7,685 units in 2000 and representing an 18.2% increase from 6,797 units in 1980.

A buildout analysis prepared by MAPC[14] (1998) projected that Scituate could accommodate approximately 2,890 additional dwelling units. Prior trends suggest that these will be primarily single-family homes based on existing zoning. Given previous rates of growth, it is projected that buildout would occur around 2060, at a total of 10,575 units, assuming the construction of 50 units per year.

MAPC projections do not make any estimates as to when buildout will be obtained, however, the 2004 Master Plan provides some estimates based on the average number of new units produced between

[14] Metropolitan Area Planning Council, the regional planning agency for towns in the greater metropolitan Boston area.

1990 and 2000, at 44 new units, summarized in Table 3-13. This data suggests that buildout might occur shortly after 2060.

Table 3-13: Buildout Projections

	2000	2010	2020	2030	2040	2050	2060
Total Units	7,685	8,125	8,565	9,005	9,445	9,885	10,325
Population	17,829	18,850	19,871	20,892	21,912	22,933	23,954
Students	3,710	3,923	4,135	4,348	4,560	4,772	4,985
Res. Water Use (GPD)	1,337,190	1,413,375	1,490,325	1,566,900	1,643,400	1,719,975	1,796,550
Municipal Solid Waste (tons)	9,146	9,670	10,194	10,718	11,241	11,765	12,288
Non-recycled Solid Waste (tons)	6,504	6,877	7,249	7,622	7,993	8,366	8,738

Source: 2004 Scituate Master Plan

Once again, these statistics are based on existing zoning and development averaging 44 units per year. Consequently, changes in zoning and development patterns will have significant impacts on where, when and how much housing will be developed at buildout. Better planning to guide development towards the most appropriate "smart" locations and redevelopment efforts will make an important difference in how the town will ultimately be developed.

As Table 3-14 shows, Scituate had a lower level of housing growth in recent decades in comparison to most of its neighbors with 34.6% of its housing stock constructed after 1970. Only neighboring Cohasset had a lower level of more recent construction activity at 30.7% with Rockland and statewide levels slightly above at 38.1% and 37.7%, respectively. This level of housing growth is significantly lower than that for Plymouth County with 46.0% of its housing stock developed since 1970. Pembroke has experienced the most housing growth over the past several decades with 59.4% of its units built since 1970.

Table 3-14: Housing Development since 1970 for Scituate and Neighboring Communities, 2010

Community	# Units Built Since 1970	% Units Built Since 1970
Abington	2,766	44.4
Cohasset	947	30.7
Duxbury	3,172	54.0
Hanover	2,557	52.6
Hingham	3,911	45.3
Marshfield	5,085	45.7
Norwell	1,761	48.9
Pembroke	3,957	59.4
Rockland	2,751	38.1
Scituate	2,717	34.6
Plymouth County	92,427	46.0
Massachusetts	1,059,868	37.7

Source: U.S. Census Bureau American Community Survey 5-Year Estimates, 2008-2012 for towns and I-year 2012 Estimates for Plymouth County and the state.

3.3.2 Types of Units and Structures – High level of owner-occupancy and decreases in seasonal units

Table 3-15 provides a summary of the key characteristics of Scituate's housing stock from 1980 through 2010 based on U.S. Census counts. In 2010 Scituate had 6,859 occupied units, of which 5,727 or 83.5% were owner-occupied while the remaining 1,132 units or 16.5% were rental units. Updated 2012 census estimates suggest an owner-occupancy level down to 80.8% which is higher than that for Plymouth County and the state at 77.7% and 62.2%, respectively, but lower than most neighboring communities as indicated in Table 3-16.

Table 3-15 also shows that almost all of the housing growth has occurred in the owner-occupied housing stock and there has been a proportionate decline in rental units. The number of rental units increased by 159 units between 1980 and 2010 but decreased from 19.5% of all housing to 16.5% from 1990 to 2010.

Given its seaside location and natural beauty, seasonal units and second homes have been a significant segment of Scituate's housing stock. However, numbers of such units have also declined over the past several decades from 1,081 to 872 units and from 15.9% of all units to 10.9% between 1980 and 2010.

Table 3-15 also indicates that the numbers of persons per unit has declined over time for both ownership and rental units to 2.75 and 1.92 persons by 2010, respectively. This is correlated to the increasing number of smaller households in Scituate demonstrated by decreases in the community's average household size from 3.12 to 2.62 persons between 1980 and 2010.

Table 3-15: Housing Characteristics
1980-2010

	1980		**1990**		**2000**		**2010**	
	#	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Total # Housing Units	6,797	100.0	6,983	100.0	7,685	100.0	8,035	100.0
Occupied Units *	5,548	81.6	6,033	86.4	6,694	87.1	6,859	85.4
Occupied Owner Units **	4,575	82.5	4,863	80.6	5,559	83.0	5,727	83.5
Occupied Rental Units **	973	17.5	1,170	19.4	1,135	17.0	1,132	16.5
Total Vacant Units/ Seasonal, Rec. or Occasional Use*	1,217/ 1,081	17.9/15.9	950/723	13.6/ 10.4	991/815	12.9/ 10.6	1,176/ 872	14.6/ 10.9
Average House-Hold Size of Owner-Occupied Unit	--		2.90 persons		2.78 persons		2.75 persons	
Average House-Hold Size of Renter-Occupied Unit	--		2.14 persons		1.97 persons		1.92 persons	

Source: U.S. Census Bureau 1980, 1990, 2000 and 2010
* Percentage of total housing units ** Percentage of occupied housing units

Table 3-16: Owner and Rental Occupancy in Scituate, Surrounding Towns and Plymouth County 2012[15]

Place	Owner-Occupied Units	Renter-Occupied Units	Total Occ. Units	% Owner-Occupied Units
Abington	4,291	1,602	5,893	72.8
Cohasset	2,511	341	2,852	88.0
Duxbury	4,872	477	5,349	91.1
Hanover	3,795	888	4,683	81.0
Hingham	6,467	1,673	8,140	79.4
Marshfield	8,094	1,612	9,706	83.4
Norwell	3,113	338	3,451	90.2
Pembroke	5,398	837	6,235	86.6
Rockland	4,904	1,852	6,756	72.6
Scituate	**5,538**	**1,320**	**6,858**	**80.8**
Plymouth County	141,081	40,460	181,541	77.7
Massachusetts	1,570,055	952,339	2,522,394	62.2

Source: U.S. Census Bureau American Community Survey 5-Year Estimates for Towns and 1-Year Estimates for Plymouth County and the state.

Census estimates indicate that the vast majority of the existing housing units are in single-family detached structures, 6,549 units or 83.4% of the housing stock as shown in Table 3-17. These estimates also suggest that the number and percentage of single-family detached units decreased between 2000 and 2010. Nevertheless the level of single-family homes is significantly higher than that of the county and state at 71.1% and 52.3%, respectively.

There has been some growth in single-family attached units as well as small multi-family units of two to four units. While Scituate experienced a loss of 79 units in structures of five to nine units between 1990 and 2012, it also saw a gain of 120 units in the larger multi-family stock of ten units or more (where?). There were also no mobile homes counted as part of the 2012 estimates, down from twelve (12) mobile homes in 2000 and 41 in 1990.

Table 3-17: Units in Structure 1990 – 2012

Type of Structure	1990		2000		2012	
	#	%	#	%	#	%
1 Unit Detached	6,043	86.5	6,621	86.2	6,549	83.4
1 Unit Attached	230	3.3	291	3.8	389	5.0
2 to 4 Units	340	4.9	401	5.2	540	6.9
5 to 9 Units	229	3.3	181	2.4	150	1.9
10 or More Units	100	1.4	179	2.3	220	2.8
Other	41	0.6	12	0.2	0	0.0
Total	6,983	100.0	7,685	100.0	7,848	100.0

Source: U.S. Census Bureau 1990 and 2000 and American Community Survey 5-Year Estimates 2008-2012.

[15] Figures do not reflect vacant housing units.

Table 3-18 shows that almost all homeowners live in single-family detached homes, however almost half of all renters lived in such dwellings as well, representing 618 renters. One-third of renters lived in small multi-family dwellings of two- to four units with another 15% in larger multi-family structures.

Table 3-18: Units in Structure by Tenure
2012

Type of Structure	Owner-occupied Units		Renter-occupied Units		Total Units	
	#	%	#	%	#	%
1 Unit Detached	5,066	91.5	618	46.8	6,549	83.4
1 Unit Attached	275	5.0	57	4.3	389	5.0
2 to 4 Units	54	1.0	447	33.9	540	6.9
5 to 9 Units	64	1.2	70	5.3	150	1.9
10 or More Units	79	1.4	128	9.7	220	2.8
Other	0	0.0	0	0.0	0	0.0
Total	5,538	100.0	1,320	100.0	7,848	100.0

Source: U.S. Census Bureau American Community Survey 5-Year Estimates 2008-2012.

Census estimates indicated that the percentage of units that are not single-family detached homes was higher in Scituate than the other nearby communities but lower than the county as a whole as shown in Table 3-19. Estimates indicate that the number of single-family detached dwellings actually declined between 2000 and 2012 in Scituate although no major residential properties were torn down and single properties that were demolished were typically replaced by larger homes. There was also a gain of 235 other unit types during this same period.

Table 3-19: Single Family* vs. Multi-Family Housing in Scituate, Surrounding Towns and Plymouth County, 2000 and 2012

Place	Single-Family Detached Units		Single-family Attached and Multi-Family		Total Housing Units		% Single-family Attached and Multi-family	
	2000	2012	2000	2012	2000	2012	2000	2012
Cohasset	2,328	2,738	477	347	2,805	3,085	17%	11.2%
Duxbury	4,537	5,005	808	873	5,345	5,878	15%	14.9%
Hanover	3,925	4,023	520	841	4,445	4,864	12%	17.3%
Hingham	7,368	6,176	1,252	2,420	7,368	8,596	17%	28.2%
Marshfield	8,489	9,188	1,465	2,095	9,954	11,283	15%	18.6%
Scituate	6,621	6,549	1,064	1,299	7,685	7,848	14%	26.6%
County	130,157	142,912	51,367	58,116	181,524	201,028	28%	28.9%

Source: U.S. Bureau of the Census, 2000, and American Community Survey 5-Year Estimates 2010-2012 for towns and 1-Year Estimates for Plymouth County.
* Includes single-family detached dwellings.

The median number of rooms per housing unit was 6.9, indicating that the average home had about three to four bedrooms. Dwelling sizes ranged from 1,075 units or 13.7% with four rooms or less to 1,490 units or 19.0% of the housing stock with nine (9) rooms or more. There were 78 housing units that involved only single rooms.

3.3.3 Vacancy Rates

The 2010 the homeowner vacancy rate was 1.5%, up a bit from 0.7% in 2000 but lower than the 1990 level of 2.2% as indicated in Table 3-20. This vacancy rate reflects tight housing market conditions as

anything below 5% is considered to represent a very limited housing vacancy based primarily on normal patterns of housing turnover in the occupied housing stock (does not include seasonal properties or second homes). The rental vacancy rate was somewhat higher at 6.3% in 2010, which is higher than the two previous decades but lower than state and national levels.

Table 3-20: Vacancy Rates
1990, 2000 and 2010

Vacancy Rates by Tenure					
	1990	**2000**	**2010**	**State 2010**	**Nation 2010**
Rental	4.5%	2.2%	6.3%	6.5%	9.2%
Owner-Occupied	2.2%	0.7%	1.5%	1.5%	2.4%

Source: U.S. Census 1990, 2000 and 2010

3.3.4 Housing Values

This section reviews housing market conditions through a number of data sources including the U.S. census, sales data from The Warren Group's *Banker & Tradesman*, assessor's records, HUD reports and Internet listings for example.

Ownership

Census data also provides information on housing values and Table 3-21 shows the distribution of these values for 2000 and 2012. The census indicated that the 2012 median house prices was $481,300 which was 74.4% higher than the 2000 median of $276,000 and more than double the median in 1990 of $203,600. In 2000, only 39 homes were valued at less than $100,000 but another 922 were valued between $100,000 and $199,999, making up the bulk of the more affordable housing stock. By 2012 only 81 homes were valued below $100,000 and only another 67 were valued below $200,000. These units were likely small and in poor condition. On the other hand, in 2000 only about 10% of all units were valued at more than $500,000 compared to 44.4% by 2012.

Table 3-21: Housing Values for Owner-occupied Units
2000 and 2012

Value	2000		2012	
	#	%	#	%
Less than $50,000	7	0.1	40	0.7
$50,000 to $99,999	32	0.6	41	0.7
$100,000 to $149,999	200	3.8	0	0.0
$150,000 to $199,999	722	13.7	67	1.2
$200,000 to $299,999	2,238	42.6	177	3.2
$300,000 to $499,999	1,538	29.3	2,758	49.8
$500,000 to $999,999	440	8.4	2,213	40.0
$1 million or more	76	1.4	242	4.4
Total	5,253	100.0	5,538	100.0
Median (dollars)	$276,000		$481,300	

Source: U.S. Census Bureau American community Survey 5-Year Estimates, 2008-2012

Housing prices in Scituate were 50% higher than Plymouth County's with a median house value of $321,200 and 48.6% higher than the state with a median of $323,800 based on the 2012 census estimates.

More updated market data is tracked by The Warren Group from Multiple Listing Service data based on actual sales. This market information is summarized in Table 3-22. After a decline in market prices in the early 1990's, due largely to the economic slump at that time, market prices for both single-family homes and condos climbed dramatically, reaching the height of the market in 2005 with a median sales price of $525,000 for single-family homes and $510,000 for condos. After that prices declined somewhat to a low of $410,000 and $420,000 for single-families and condos, respectively, in 2012. It is interesting to note that while condos are significantly more affordable in most communities, this is not the case in Scituate where condo prices are fairly comparable. As of May 2014 the median single-family house price was $480,000. While the median condo price was $407,500, this lower price may be explained by a relatively small sample of sales as the median in 2013 was significantly higher at $503,500.

The number of single-family home sales (for full years) ranged from a low of 154 sales in 1990 to a high of 305 in 1997 and down to 250 sales in 2013. For condos the lowest amount of sales activity occurred in 2001 with only 18 sales and reached a high of 48 sales in 2003. There were 39 condo sales in 2013.

Table 3-22: Median Sales Prices
1990 through May 2014

Year	Months	Single-family (#)	Condo (#)	All Sales	# Sales
2014	Jan – May	$480,000 (53)	$407,500 (10)	$451,750	73
2013	Jan – Dec	461,000 (250)	503,500 (39)	463,750	336
2012	Jan – Dec	410,000 (261)	420,000 (37)	401,000	350
2011	Jan – Dec	436,000 (194)	420,000 (31)	425,000	261
2010	Jan – Dec	430,000 (211)	464,750 (42)	425,000	280
2009	Jan – Dec	412,500 (194)	437,500 (37)	410,000	257
2008	Jan – Dec	445,000 (219)	368,000 (23)	432,500	276
2007	Jan – Dec	500,000 (222)	427,825 (36)	495,000	293
2006	Jan – Dec	490,000 (216)	485,000 (44)	472,500	303
2005	Jan – Dec	525,000 (231)	510,000 (28)	515,000	318
2004	Jan – Dec	515,000 (233)	512,450 (38)	493,750	336
2003	Jan – Dec	465,000 (237)	504,444 (48)	475,000	340
2002	Jan – Dec	404,500 (258)	405,450 (34)	400,000	343
2001	Jan – Dec	345,000 (255)	272,500 (18)	336,250	328
2000	Jan – Dec	317,000 (212)	280,250 (30)	309,400	288
1999	Jan – Dec	259,950 (256)	290,000 (23)	262,750	318
1998	Jan – Dec	238,750 (276)	260,000 (34)	234,000	334
1997	Jan – Dec	222,500 (305)	257,000 (44)	220,375	398
1996	Jan – Dec	207,000 (235)	213,000 (69)	200,000	352
1995	Jan – Dec	185,000 (207)	215,000 (31)	183,000	287
1994	Jan – Dec	178,000 (257)	212,500 (34)	178,000	345
1993	Jan – Dec	171,500 (244)	131,000 (23)	159,500	304
1992	Jan – Dec	169,000 (237)	171,843 (21)	168,500	289
1991	Jan – Dec	171,050 (206)	177,500 (22)	170,000	253
1990	Jan – Dec	179,000 (154)	236,900 (25)	180,000	198

Source: The Warren Group, June 29, 2014.

Table 3-23 compares median sales information for Scituate and neighboring communities, as well as Plymouth County and the state in May 2014 to those in 2005, at the top of the housing market.

Table 3-23: Median Home Prices for Scituate and Neighboring Communities 2005 and May 2014

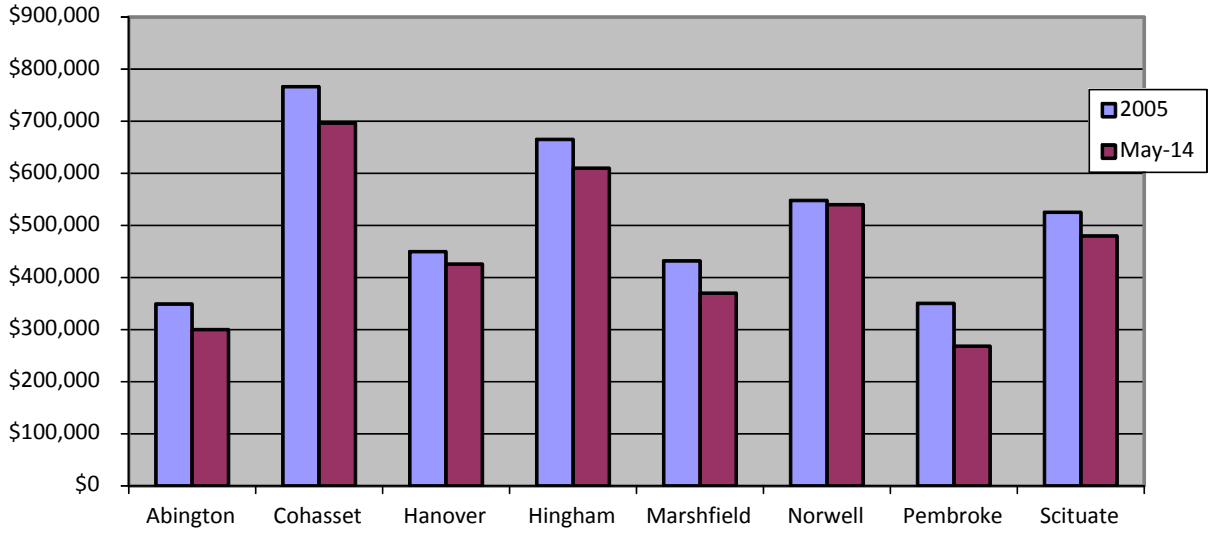
Place	Single-family Homes		Condos	
	2005	May 2014	2005	May 2014
Abington	$349,900	$300,000	$314,250	$255,000
Cohasset	$766,500	$696,500	$530,000	$447,000
Duxbury	$615,500	$516,000	$405,000	$350,000
Hanover	$450,000	$426,000	$484,788	$440,000
Hingham	$665,000	$610,000	$399,950	$617,200
Marshfield	$432,000	$369,900	$420,000	$400,000
Norwell	$548,000	$540,000	$344,838	$589,500
Pembroke	$350,050	$268,000	$295,000	$211,000
Rockland	$320,000	$262,675	$259,900	$219,450
Scituate	$525,000	$480,000	$510,000	$407,500
Plymouth County	$350,000	$292,000	$269,900	$240,000
Massachusetts	$355,000	$319,000	$280,000	$305,000

Source: The Warren Group's *Banker & Tradesman*, June 29, 2014.

This information is also visually presented for most of these communities in Figure 3-5. Scituate's market values are somewhat in the mid-range between higher median single-family house values in Cohasset, Hingham and Norwell and lower values for Abington, Hanover, Marshfield and Pembroke. It is also interesting to note that more current values were approaching but still below those in 2005.

Figure 3-5

Median Home Prices for Scituate and Its Neighbors 2005 and May 2014



Source: The Warren Group, June 29, 2014. Prices are for single-family homes sales.

Another analysis of housing market data is presented in Table 3-24, which breaks down sales data from the Multiple Listing Service as compiled by *Banker & Tradesman* of The Warren Group for single-family homes and condominiums in Scituate from June 2013 through May 2014.

Table 3-24: Single-family House and Condo Sales
June 2013 through May 2014

Price Range	Single-family Homes		Condominiums		Total	
	#	%	#	%	#	%
Less than 200,000	10	3.8	0	0.0	10	3.4
$200,000-299,999	19	7.2	4	14.8	23	7.9
$300,000-399,999	62	23.6	8	29.6	70	24.1
$400,000-499,999	50	19.0	4	14.8	54	18.6
$500,000-599,999	48	18.3	9	33.3	57	19.7
$600,000-699,999	19	7.2	0	0.0	19	6.6
$700,000-799,999	20	7.6	0	0.0	20	6.9
$800,000-899,999	14	5.3	0	0.0	14	4.8
$900,000-999,999	5	1.9	0	0.0	5	1.7
$1 million +	16	6.1	2	7.4	18	6.2
Total	263	100.0	27	100.0	290	100.0
Median Price	$475,000		$452,000		--	

Source: The Warren Group, *Banker & Tradesman*, June 30, 2014

There were 290 total sales of single-family homes and condos during this period at 263 sales and 27, respectively. Units that sold below $200,000, and were therefore roughly affordable to those earning at or below 80% of area median income, included ten (10) single-family homes, however it is likely that not all of these were arms-length transactions or were very small cottages. The median priced single-family home sale was $475,000, which is close to the single-family median house price as of May 2014 from the Warren Group as indicated in Table 3-21. The median condo price was $452,000, between the medians for 2013 and as of May 2014 provided by The Warren Group. Only 19 single-family homes and four (4) condos sold within the $200,000 to $300,000 price range, still relatively affordable, and a total of 70 properties sold between $300,000 and $400,000. Almost 40% of the sales were between $400,000 and $600,000, and another quarter was above that level with 18 units selling for more than $1 million.

Town Assessor data on the assessed values of all residential properties in Scituate is presented in Table 3-25, which provides insights into not only the diversity of the existing housing stock but also the range of values for each dwelling type. This information is also visually displayed in Figure 3-6, confirming that there are few residential properties that are valued in the affordable range below $200,000, only 64 or less than 1% of all properties in Scituate, the bulk of which are condominiums on New Kent Street or Meeting House Lane. Additionally, there were only 554 units assessed between $200,000 and $300,000. The majority of properties were valued between $300,000 and $500,000 and the median single-family house was assessed at $417,600, lower than the median for market sales. There were quite a few residences assessed in the higher ranges as 31.1%% of residential structures were valued above $500,000 and of these 6.3% were valued at more than $800,000.

There is limited diversity in Scituate's housing stock with 90% of all properties in single-family structures, including 6,690 units. Condominiums represent a relatively small segment of Scituate's housing stock with 524 units, up from 411 units a few years ago. A substantial number of these condos are located

near the water in Scituate Harbor and largely fetching prices of more than $400,000, beyond the means of most Scituate residents. The median condo value was $393,900, once again lower than actual market levels.

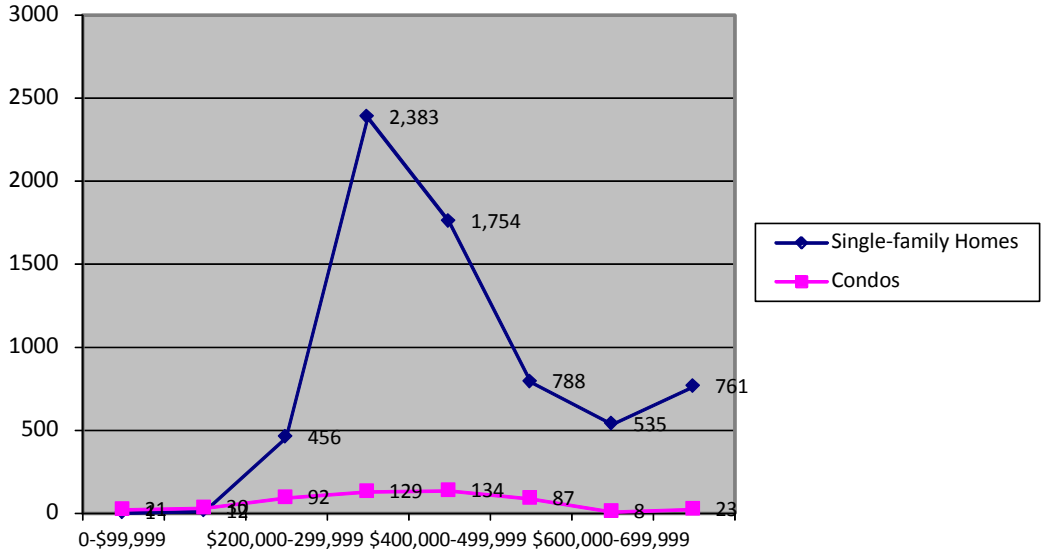
Table 3-25: Assessed Values of Residential Properties
2014

Assessment	Single-family Dwellings		Condominiums		Multi-family Dwellings*		Total	
	#	%	#	%	#	%	#	%
0-$199,999	13	0.2	51	9.7	0	0.0	64	0.9
$200,000-299,999	456	6.8	92	17.6	6	2.6	554	7.4
$300,000-399,999	2,383	35.6	129	24.6	46	19.6	2,558	34.3
$400,000-499,999	1,754	26.2	134	25.6	65	27.7	1,953	26.2
$500,000-599,999	788	11.8	87	16.2	43	18.3	918	12.3
$600,000-699,999	535	8.0	8	1.5	22	9.4	565	7.6
$700,000-799,999	343	5.1	6	1.1	16	6.8	365	4.9
$800,000-899,999	176	2.6	8	1.5	11	4.7	195	2.6
$900,000-999,999	73	1.1	4	0.8	11	4.7	88	1.2
Over $1 million	169	2.5	5	1.0	15	6.4	189	2.5
Total	6,690	100.0	524	100.0	235	100.0	7,449	100.0

Source: Scituate Town Assessor, Fiscal Year 2014.
* Includes two-family, three-family, and multiple homes on one lot.

Figure 3-6

Distribution of Assessed Values for Single-family Homes and Condos, 2014



There are relatively few large multi-family properties in Scituate. Assessor's data indicate that there were 235 properties involving two-family or three-family structures and multiple houses on a single lot. Two-family dwellings included 135 properties or 270 units and the median value was $460,100. There are nine (9) four to eight-unit properties that ranged in value between $467,000 and $2,027,600. An additional three (3) structures had more than eight units with values of $734,500, $1,166,800 and $5,621,800. These larger apartment multi-family properties do not include subsidized developments that are owned by the Scituate Housing Authority for example. Assessor's records also list 57 mixed residential and commercial properties that range in value from $286,700 to almost $2 million.

Rentals

Data on the costs of rental units from 1980 through 2012 is included in Table 3-26. The 2012 census estimates indicated that there were 1,320 occupied rental units in Scituate, up from 1,127 in 2000, representing an increase of 386 units or 41.3% since 1980 in comparison to a 21% increase in owner-occupied units during the same period based on 2012 census estimates. The median gross rental was $934, 15.5% higher than $809 in 2000.

Rental units remain a sizable segment of Scituate's occupied housing stock, 19.2%, but smaller than that for Plymouth County and the state at 22.3% and 37.8% respectively. The median rent for the county was $1,063 in 2012, higher than the median for Scituate. Because almost all of Scituate's Subsidized Housing Inventory consists of rental units, about 23% of the Town's existing occupied rental stock is publicly assisted and as such has restricted below market rents, thus skewing gross rental figures considerably.

Most of the rentals involve houses, and summer rentals are fetching prices of as much as $3,000 per week near the water. Scituate also has a fairly active winter market with rentals available between October and May on desirable properties near the water that are rented for typically much more per week in the summer than they are priced per month during the off-season.

Table 3-26: Rental Costs
1980-2012

Gross Rent	**1980**		**1990**		**2000**		**2012**	
	#	**%**	**#**	**%**	**#**	**%**	**#**	**%**
Under $200	182	19.5	176	15.6	51	4.5	0	0.0
200-299	128	13.7	72	6.4	105	9.3	48	3.6
300-499	389	41.6	139	12.3	93	8.3	159	12.0
500-749			229	20.3	236	20.9	278	21.1
750-999	151	16.2	175	15.5	248	22.0	172	13.0
1,000-1,499					234	20.8	128	9.7
1,500 or More			267	23.7	81	7.2	444	33.6
No cash Rent	84	9.0	68	6.1	79	7.0	91	6.9
Total	934	100.0	1,126	100.0	1,127	100.0	1,320	100.0
Median rent	$348		$627		$809		$946	

Source: U.S. Census Bureau 1980, 1990, 2000 and American Community Survey 5-Year estimates 2008-2012.

Like housing values for homeownership units, rental values tend to be underestimated in the census data and actual market rents are typically much higher. Updated information on rents from a variety of

sources, including Internet listings and realtor information, indicate that that there are virtually no apartments available for less than $1,100 per month and summer rentals for waterfront locations fetch as much as $12,000 per week.

A number of examples from recent listings offer a good perspective of the rental market including:

One-bedroom Units

- $1,100: Apartment on Glades Road with 600 square feet
- $1,300: Winter rental in Minot Beach area with 900 square feet
- $1,800: Year-round rental of a small beach house on Minot Beach or $1,300 per week in the summer

Two-bedroom Units

- $1,200: Furnished apartment with 1,006 square feet
- $1,450: Apartment in an older garden-style building
- $3,500: 1,450 square foot penthouse condo on Glades Road as a winter rental or $12,000 per month during July or August

Three-bedroom Units

- $1,600: Winter rental in Sands Hill with 1,250 square feet
- $2,200: Small single-family house
- $2,500: Raised ranch with 1,500 square feet off of Route 3A.

3.3.5 Affordability Analysis

As housing prices escalate the affordability gap widens, the gap being the difference between the cost of housing and the proportion of income that is reasonable to pay for housing, typically defined as 30% of gross income. High and increasing housing values for both ownership and rental units make it extremely challenging for those who do not have a substantial income and cash on hand to enter the housing market in Scituate as demonstrated in the following analysis.

Single-family Ownership

To afford the median sales price of a single-family home of $480,000 as of May 2014, a household would have to earn an estimated $107,400 based on 80% financing.[16] This income is higher than the median household income for the Town per 2012 census estimates of $92,287.

The average household, based on the median income of $92,287, could likely afford a home costing about $390,000. *The affordability gap is then about $90,000 - the difference between the price of the median priced single-family home ($480,000) and what a median income household can afford ($390,000). This gap will widen as the housing market continues to rebound from the bursting of the housing bubble a few years ago.* These calculations are also based on the ability of the purchasers to secure sufficient cash to afford 80% mortgage financing of about $85,000. While financing with less than 5% down payments was common before the financial crisis, such mortgages are now more the exception than the norm.

[16] Figures based on 80% financing, interest of 4.5%, 30-year term, annual property tax rate of $18.98 per thousand, and insurance costs of $1.25 per $1,000 of combined valuation of dwelling value (value x 0.5), personal property ($100,000 fixed), and personal liability ($100,000 fixed). Also based on the purchaser spending no more than 30% of gross income on mortgage, property taxes and property insurance.

The affordability gap widens to $257,000 if the analysis focuses on those low- and moderate-income households earning at or below 80% of area median income, or $61,000 for a family of three (3), who can afford a house costing no more than about $223,000.[17] There remain few single-family homes within this purchase price and it is likely that many of these units are small and require significant improvements. Moreover, the continuing improvement of the housing market will push more and more properties outside of this price range.

It is important to note that this cost analysis is based on the maximum HUD limits for a household earning at 80% AMI, not the affordable purchase price that would be calculated according to a state formula used in the Local Initiative Program (LIP) that is based on a household earning at 70% AMI to allow for a marketing window. This price is closer to $195,000 for a single-family home.

Condominiums

The median condo price was $407,500 as of May 2014, although the small sample of only ten (10) sales and the median price of $503,500 in 2013 suggest that this median may be relatively low and a higher median might be expected as more sales are transacted. Still this median condo price would require an income of approximately $103,000 and thus likely not even affordable to a household earning at median income level. These calculations assume a monthly condo fee of $300 and once again that the household is not paying more than 30% of its income on housing expenses.[18] A median income household earning $92,287 could afford a condo of about $339,000 and thus the affordability gap is an estimated $68,500 based on the assumption of 80% financing and upfront down payment and closing costs of about $75,000. The gap widens to $231,500 for a household earning at 80% of area median income which can afford a condo for about $176,000 assuming they were able to qualify for a subsidized mortgage through the state's ONE Mortgage Program or a MassHousing mortgage.

Table 3-27 provides a breakdown of the number of single-family units and condominiums existing within various affordability ranges. According to Assessor's data, there are few single-family homes that are affordable to households earning within 80% of area median income (AMI). About 30% of these homes were relatively affordable and within the means of those earning within Scituate's median household income of $92,287.

Only 42 condos were affordable to those earning within 80% AMI, and 31% of condos, or 163 units, were affordable to those earning between 80% AMI and the median household income of $92,287. Sixty percent of both single-family homes and condos were beyond the reach of those earning below this median household income level.

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[17] This analysis assumes the ability of the purchaser to obtain subsidized mortgage financing from the ONE Mortgage Program or MassHousing mortgage offerings. Therefore, no private mortgage insurance (PMI) was included in the calculations and 95% mortgage financing was assumed. It also uses the HUD income limit for a three-person household earning at 80% AMI as the average household size in Scituate was 2.62 persons based on census data.

[18] Figures based on 80% financing, interest of 4.5%, 30-year term, annual property tax rate of 18.98 per thousand, and insurance costs of $1.25 per $1,000 of combined valuation of dwelling value (value x 0.5), personal property ($100,000 fixed), and personal liability ($100,000 fixed). Also based on an estimated $300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

Table 3-27: Affordability of Single-family Homes and Condominiums 2014

Price Range Single-family Home/ Condo	Affordability Range Single-family/Condos	Single-family Homes		Condominiums	
		#	%	#	%
Less than $223,000/ $176,000	Less than 80% (Less than $61,000)	22	0.3	42	8.0
$223,001 - $390,000/ $176,001 - $339,000	80% - median income ($61,001 – $92,287)	2,630	39.3	163	31.1
More than $390,000/ $339,000	More than median income (More than $92,287)	4,038	60.4	319	60.9
Total		**6,690**	**100.0**	**524**	**100.0**

Source: Town of Scituate Assessor's Database for Fiscal Year 2014. Please note that as a standard practice, assessed value is assumed to be 93% of actual value or potential sale price. Median income for Scituate based on U.S. Census Bureau's American Community Survey 5-Year Estimates for 2008-2012. Figures based on 80% financing, interest of 4.5%, 30-year term, annual property tax rate of 18.98 per thousand, and insurance costs of $1.25 per $1,000 of combined valuation of dwelling value (value x 0.5), personal property ($100,000 fixed), and personal liability ($100,000 fixed). Also based on an estimated $300 per month in condo fees and the purchaser spending no more than 30% of gross income on housing costs.

Owner-Occupied Two-Family House

The owner-occupied, small multi-family house is considerably more affordable than the single-family home or condo due to the income that is generated from the rental unit. Because lenders calculate about 75% of rental income in mortgage underwriting criteria, these structures are more accessible to lower income households. For example, the median valued two-family house in Assessors data was $460,100 in 2014, requiring an income of approximately $66,850 based on 80% mortgage financing and the ability to come up with at least $100,000 in down payment and closing costs.[19] Assuming the purchasers could obtain a mortgage with 95% financing, the calculations add the costs of private mortgage insurance and the income required would be $85,400.

Rentals

In regard to rentals, the gross median rent of $946, reported by the 2012 census estimates, requires an income of about $44,640 assuming monthly utility bills of about $170 and the tenant not spending more than 30% of its income on housing. Actual listings of rental units ranged considerably but were significantly higher with the lowest priced one-bedroom unit listed at $1,100 and the lowest for a two-bedroom at $1,200, requiring incomes of $50,000 and $54,800, respectively.[20] This indicates that the lowest ranges of market rentals remained accessible to those earning at or just below 80% AMI. It is also important to note that these market rentals require considerable upfront cash payments, typically including the first and last month rent plus a security deposit that would be $3,600 for the $1,200

[19] Figures based on 80% financing, interest of 4.5%, 30-year term, annual property tax rate of $18.98 per thousand, and insurance costs of $1.25 per $1,000 of combined valuation of dwelling value (value x 0.5), personal property ($100,000 fixed), and personal liability ($100,000 fixed). Also based on an estimated rent of $1,200 per month ($900 used in calculations) and the purchaser spending no more than 30% of gross income on housing costs. Private mortgage insurance (PMI) calculated as .3125% of mortgage amount.

[20] Assume utility allowance of $150 for a one-bedroom unit and $170 for the two-bedroom.

apartment without any broker's fee or moving expenses and thus a challenge for lower income households.

Cost Burdens
It is also useful to identify numbers of residents living beyond their means based on their existing housing costs. The census provides data on how much households spent on housing whether for ownership or rental. Such information is helpful in assessing how many households are encountering housing affordability problems, defined as spending more than 30% of their income on housing. As homes continue to emerge on the market with sale tags of more than $400,000, fewer existing longer-term residents will be able to afford them. However, it is important to recognize that those who have owned their homes for some time are likely to have gained significant assets, particularly through the escalating value of their land, despite potentially limited incomes.

The 2012 census estimates identified 535 Scituate homeowners who were spending between 30% and 35% of their income on housing and another 1,631 spending more than 35% on housing, representing 39% of all homeowners. Of renters the 2012 census data indicated that 98 were paying between 30% and 35% of their income on housing and another 308 were spending at least 35% of their income on housing which included 31% of all renters. *This data suggests that 2,572 households or 37.5% of all Scituate households were living in housing that by common definition was unaffordable.*

HUD provides additional data on housing affordability problems through its CHAS Report. This report, based on 2011 census data for Scituate (latest report available), indicates the following:

- About 35% of all households were spending too much for housing including 15% who were spending more than half of their income on housing-related expenses.
- For renters earning within 80% of median family income (MFI), about 18% of elders, 30% of small families (2 to 4 related household members), all of the large families (5 or more related family members) and two-thirds of singles under age 62 were spending too much of their income on housing.
- There were 315 renter households with unmet housing needs as they were spending too much for their housing, 235 of these with incomes within 80% MFI.
- Of the 650 renters earning at or below 80% MFI, 415 were not overspending on their housing with many likely occupying some of the Town's 302 subsidized rental units and private housing supported by ten (10) rental subsidies.
- A significant portion of the cost burdens have been occurring in the owner-occupied housing stock with 1,035 or 83.8% of all homeowner households earning at or below 80% MFI paying too much and 575 or 55.6% paying more than half of their income on housing.
- Of the 310 homeowners earning at or below 30% MFI, 290 or 93.5% were spending too much, including 255 or 82.3% spending more than 50% of their income on housing costs.
- Of the 770 elderly homeowners earning at or below 80% MFI, 515 or two-thirds had cost burdens with 295 or 38.3% spending at least 50% of their income on housing-related expenses.
- Small families (nonelderly) who were homeowners and spending more than half of their income on housing included all such households earning at or below 30% MFI and more than half of those earning between 30% and 80% MFI for a total of 185 households.
- Fifty of the 60 large household homeowners were spending more than half of their income on housing.

- About 60% of the homes that were owned by nonelderly single individuals involved cost burdens and 91% of these owners earning within 80% MFI were paying too much.

Table 3-28: Type of Households by Income Category and Cost Burdens* 2011

Type of Household**	Households Earning < 30% MFI/# with cost burdens*	Households Earning > 30% to < 50% MFI/ # with cost burdens*	Households Earning > 50% to < 80% MFI/# with cost burdens*	Households Earning > 80% MFI and 100% MFI/ # with cost burdens*	Households Earning > 100% MFI/ # with cost burdens*	Total/# with cost burdens*
Elderly Renters	150/35-10	135/0-10	30/0-0	15/15-0	150/0-0	480/50-20
Small Family Renters	30/0-0	0/0-0	120/30-15	75/65-0	180/0-0	405/95-15
Large Family Renters	0/0-0	25/0-25	10/0-10	0/0-0	0/0-0	35/0-35
Other Renters	70/0-70	15/15-0	65/15-0	0/0-0	140/0-0	290/30-70
Total Renters	250/35-80	175/15-35	225/45-25	90/80-0	470/0-0	1,210/175-140
Elderly Owners	175/15-150	285/125-60	310/80-85	300/55-110	1,040/125-20	2,110/400-425
Small Family Owners	60/0-60	140/60-75	95/45-50	215/55-60	1,950/290-45	2,460/450-290
Large Family Owners	30/0-20	0/0-0	30/0-30	35/35-0	570/125-0	665/160-50
Other Owners	45/20-25	20/0-20	45/35-0	95/15-75	320/100-20	525/170-140
Total Owners	310/35-255	445/185-155	480/160-165	645/160-245	3,880/640-85	5,760/1,180-905
Total	560/70-335	620/200-190	705/205-190	735/240-245	4,350/640-85	6,970/1,355-1,045

Source: U. S. Department of Housing and Urban Development (HUD), SOCDS CHAS Data, 5-Year Estimates, 2007-20011.
MFI indicates median family income.
*Cost burdens indicate that households are spending too much on their housing. The first number after the / is the number of those spending 30% up to 50% of their income on housing. The second number after the dash is the number of households
**Large-family households are defined as having five (5) or more members, small families with two (2) to four (4) members.
The "other" category includes non-family and non-elderly households composed of single individuals less than 62 years of age.
Elderly includes those households with the head of the household age 62 years or older.

In regard to those who are experiencing housing affordability issues that are serious enough to potentially lead to mortgage *foreclosures*, it appears that the level of foreclosures is tapering off from peak years of 2010 to 2012. From January through the end of June 2014, there were six (6) foreclosure auctions and five (5) petitions to foreclose, about the same as 2013 but lower than foreclosure activity in prior years with eight (8) actual auctions and 15 petitions to foreclose in 2012, 11 auctions and 11 petitions in 2011, and ten auctions and 11 petitions in 2010. There were only two petitions in 2009 and no foreclosure activity at all in 2008.

3.4 Subsidized Housing Inventory (SHI)

While some units in Scituate's private housing market may still be relatively affordable, there are specific housing units that the state defines as affordable based on Chapter 40B regulations and guidelines. The definition of these affordable units, current inventory of affordable units in Scituate and pending developments that include affordable units are summarized below.

3.4.1 Definition of Affordable Housing

There are a number of definitions of affordable housing as federal and state programs offer various criteria. For example, the federal government identifies units as affordable if gross rent (including costs of utilities borne by the tenant) is no more than 30% of a household's net or adjusted income (with a small deduction per dependent, for child care, extraordinary medical expenses, etc.) or if the carrying costs of purchasing a home (mortgage, property taxes and insurance) is not more than 30% of gross income. If households are paying more than these thresholds, they are described as experiencing housing affordability problems; and if they are paying 50% or more for housing, they have severe housing affordability problems or cost burdens.

Affordable housing is also defined according to percentages of median income for the area, and most housing subsidy programs are targeted to particular income ranges depending upon programmatic goals. Extremely low-income housing is directed to those earning at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development ($25,450 for a family of three for the Boston area) and very low-income is defined as households earning less than 50% of area median income ($42,350 for a family of three). Low-income generally refers to the range between 51% and 80% of area median income ($61,000 for a family of three).[21]

Table 3-29: 2014 HUD INCOME LIMITS FOR THE BOSTON AREA

# Persons in Household	30% of Area Median Income	50% of Area Median Income	80% of Area Median Income
1	$19,800	$32,950	$47,450
2	22,600	37,650	54,200
3	25,450	42,350	61,000
4	28,250	47,050	67,750
5	30,550	50,850	73,200
6	32,800	54,600	78,600
7	35,050	58,350	84,050
8+	37,300	62,150	89,450

In counting a community's progress toward the 10% threshold, the state counts a housing unit as affordable if it is subsidized by state or federal programs that support low- and moderate-income households at or below 80% of area median income under Chapter 774 of the Acts of 1969, which established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B). Additionally, most state-supported housing assistance programs are targeted to households earning at or below 80% of area median income, as well as some at lower income thresholds.

In general, programs that subsidize rental units are targeted to households earning within 50% or 60% of median income with some lower income requirements at the 30% AMI level. First-time homebuyer programs typically apply income limits of up to 80% of area median income. Community Preservation Funds can be used for households earning up to 100% AMI but units directed to those earning above 80% AMI cannot be counted as part of the Subsidized Housing Inventory and thus towards the 10% state affordability threshold or annual Housing Production goals. It is worth noting that approximately 27% of Scituate households (or about 1,885 households) would likely qualify for housing assistance as their

[21] The family of three (3) is illustrated here and is used in affordability calculations as the average household size was 2.62 persons per the 2010 census and census estimates from the American Community Survey for 2008-2012.

incomes are at or below 80% of area median income defined by the U.S. Department of Housing and Urban Development (HUD) or $61,000 for a family of three without reference to existing assets.[22]

3.4.2 Current Inventory

The state lists 310 affordable housing units in Scituate's Subsidized Housing Inventory, representing 4.33% of the 7,163 units in the community's year-round housing stock. These units by development are listed in Table 3-30. There is currently a gap of 406 affordable units to reach the state's 10% affordability goal under Chapter 40B and future growth will continue to drive up this number. It should be noted that in Chapter 40B rental developments all units count as part of the SHI while only the 25% actual affordable units in homeownership developments are eligible for inclusion in the SHI.

Table 3-30: Scituate's Subsidized Housing Inventory (SHI)

Project Name	Type	Affordable Units	Affordability Expires	Built with a 40B permit	Subsidizing Agency/ Management Entity
Central Park	Rental/Seniors and Disabled	51	Perpetuity	No	HUD/SHA
Lincoln Park	Rental/Seniors and Disabled	40	Perpetuity	No	DHCD/SHA
Wheeler Park I	Rental/Seniors and Disabled	40	Perpetuity	No	DHCD/SHA
Wheeler Park II	Rental/Seniors and Disabled	78	Perpetuity	No	DHCD/SHA
Curt Merritt Bldg.	Rental/Special Needs	8	Perpetuity	No	DHCD
Gene Burns House	Rental/Special Needs	4	2035	No	EOHHS/HUD
Kent Village	Rental/Family	64	2033	Yes	MassHousing/ Corcoran
Vernon Road	Rental/Special Needs	4	2027	No	EOHHS
Fairway Village	Ownership/ HOP	4	Perpetuity	No	DHCD
Whitcomb Pines	Ownership	3	Perpetuity	Yes	MassHousing
DDS Group Homes	Special Needs	13	NA	No	DDS
Carrie Litchfield Ln.	Ownership	1	Perpetuity	No	DHCD
TOTAL		310			

Source: Massachusetts Department of Housing and Community Development, June 30, 2014.

Two-thirds or 209 of these units, were created for the elderly or disabled and are owned and operated by the Scituate Housing Authority (SHA). Table 3-31 indicates that both seniors and younger disabled applicants must wait at least two (2) years for a unit at Central Park. Local resident veterans and local resident seniors receive a preference at the state developments (Lincoln Park and Wheeler I and II). Approximately 12% of all SHA applicants are local residents.

[22] While these households' incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

Table 3-31: Scituate Housing Authority Wait Lists and Turnover Rates

Development	Type of Unit	Total # on Waitlist	Local Residents On Waitlist	Turnover
Lincoln Park Wheeler I and II/ State Funded	Elderly	94	18	6 mos. – 1 Year for residents Non-residents- 2 years or more
	Disabled (Under 60 years of age)	102	5	More than 2 years for residents and non-residents
Central Park/ Federally Funded	Elderly	49	7	More than 2 years
	Disabled (Under Age 62)	9	0	More than 2 years
		254	Approximately 30	

Source: Scituate Housing Authority July, 2014.

Fairway Village was Scituate's first condominium project directed to first-time homebuyers. Four (4) affordable units were constructed within this twelve-unit development. A lottery with 181 pre-approved applicants was held by the Scituate Housing Authority to select the purchasers, representing substantial demand for this type of housing in Scituate.

Table 3-32: HUD Fair Market Rents for Scituate, 2014

Size of Unit	Fair Market Rent
Efficiency/studio	$1,042
One-bedroom	$1,164
Two-bedroom	$1,454
Three-bedroom	$1,811
Four-bedroom	$1,969
Five-bedroom	$2,264
Six-bedroom	$2,560

The Scituate Housing Authority also administers only a single housing voucher and most of the rental subsidies for the South Shore region are managed by South Shore Housing. This rental assistance, including five (5) Section 8 Housing Choice Vouchers, one (1) voucher from the Massachusetts Rental Voucher Program (MRVP), and three (3) Home BASE vouchers, all of which subsidize qualifying households in privately-owned housing by filling the gap between a percentage of the household's income and the Fair Market Rent (FMR). The FMR's are calculated by HUD annually and 2014 rent levels are presented in Table 3-23.

Scituate has actually made fairly comparable progress towards meeting the 10% state threshold to many of its neighbors as indicated in Table 3-32 and Figure 3-7. Only Pembroke is close to producing enough affordable units to meet the 10% state target and Hingham has surpassed 6%. All of the other communities are below 6% ranging from a low of 3.8% in Norwell to 5.8% in Rockland.

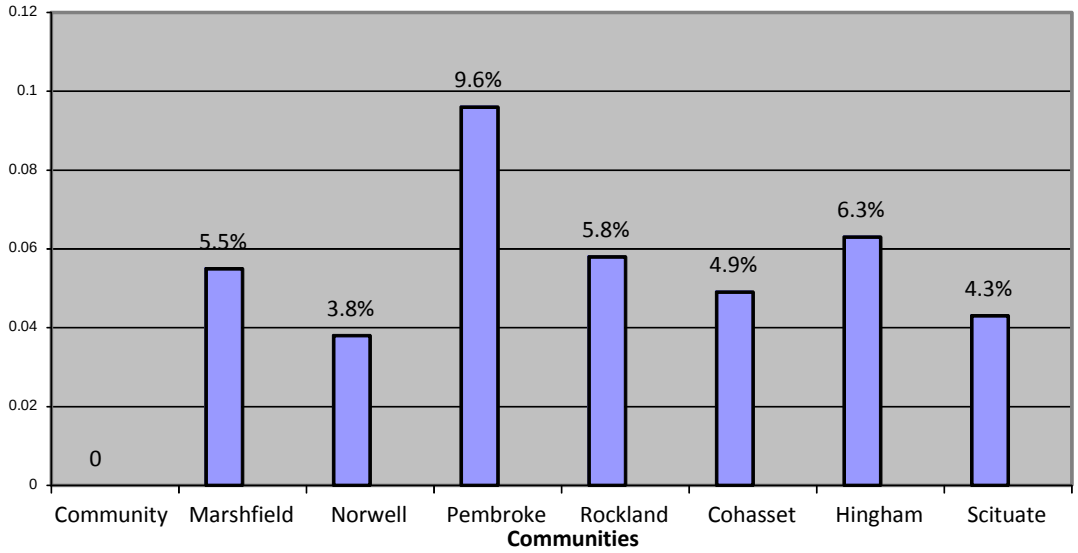
Table 3-32: Level of Affordable Housing, Scituate and Neighboring Communities

Town	# Year-round units	# Affordable Units	% Affordable Units
Abington	6,364	478	7.5%
Cohasset	2,898	141	4.9%
Duxbury	5,532	188	3.4%
Hanover	4,832	441	9.1%
Hingham	8,841	557	6.3%
Marshfield	9,852	554	5.5%
Norwell	3,652	139	3.8%
Pembroke	6,477	619	9.6%
Rockland	7,030	411	5.8%
Scituate	7,163	310	4.3%

Source: Massachusetts Department of Housing and Community Development, April 30, 2013

Figure 3-7

Level of Housing Affordability



3.4.3 Pending or Proposed Projects

There are a number of residential housing developments that are in the conceptual, planning or regulatory approval process, in litigation or under construction that have not yet been included in the SHI. These units include 330 potential additional affordable housing units that would increase the SHI to 640 units or 8.4% of Scituate's year-round housing if all are built.

- *Whitcomb Pines*
  This Chapter 40B comprehensive permit project involves 40 units of ownership housing on Mann Lot Road with ten (10) affordable units. Construction is underway.

- *Walden Woods*
  A total of 28 condominium units with seven (7) affordable units are under construction off of Stenbeck Place through an approved comprehensive permit. This development was approved in 2003, and several appeals were finally resolved.

- *Stockbridge Woods*
  This project on Stockbridge Road initially involved 69 units under an approved Chapter 40B comprehensive permit that included 48 garden-style apartment units in a single multi-story building and 21 single-family homes. The project has been reconfigured to include 74 rental units with 19 affordable ones but all units will count as part of the SHI. Some DEP issues related to drinking water are currently being resolved.

- *Herring Brook Meadow*
  This comprehensive permit project is located off Route 3A with a total of 60 condominium units, 15 of which will be affordable. Litigation has concluded; the project is currently for sale. If FIRM maps are changed, construction may have to meet FEMA guidelines.

- *Village at South River*
  The ZBA approved the comprehensive permit for ownership units in Humarock in the summer of 2008 that includes a single affordable unit that will be built off-site as part of the Stockbridge Road project described below.

- *Stockbridge Road*
  This small development, on formerly Town-owned property, involves the development of three (3) homeownership units in Greenbush, one of which is required as a condition of approval of the Village of South River project.

- *Greenbush Station*
  This mixed-use project is being developed under the Town's Village Business Overlay District bylaw at 50 County Way near the Greenbush rail station. The project is expected to include 30 total units with four (4) affordable ones based on the bylaw's inclusionary requirement of 15% affordability.

- *Greenbush Mixed-use Project*
  Another mixed-use project has also been proposed under the Town's Village Business Overlay District near the Greenbush rail station. The site includes a portion of a parking lot that was recently auctioned by the MBTA. The developer is in the early stages of the development process but is proposing 54 units of which 15% or 8 units will be affordable.

- *Parcel behind Central Park*
  The Housing Authority owns property behind its Central Park development that is likely to be developable, also adjacent to a Town-owned property. SHA will be approaching the Housing Trust for funding to undertake predevelopment work to determine project feasibility.

- *New Kent Street and Driftway Parcel*
  This 7-acre parcel was conveyed by the Town of Scituate to the Scituate Housing Authority. The Housing Authority explored a multi-family development in the past and is now revisiting development options. The site has long been zoned for the development of affordable multi-family housing and has been confirmed suitable for development of up to 30 housing units based on updated predevelopment engineering work.

- *Bartlett Fields 40B off Booth Hill Rd.*
  The Town is engaged in early discussions with developers to develop a 252-unit Chapter 40B rental project in North Scituate.

There has been some initial discussion about the possibility of adding a second level or redeveloping the existing Lincoln Park and/or Wheeler Park developments that are owned and managed by the Housing Authority for seniors and younger disabled individuals. These developments were built with only a single story, and there may be creative ways for increasing the number of units on site. Additionally, there is some Town-owned land adjacent to Wheeler Park which may allow for further expansion.

3.5 Priority Housing Needs

As the affordability analysis indicates in Section 3.3.5 above, significant gaps remain between what many current residents can afford and the housing that is available. In fact the current housing market, both ownership and rental, is becoming increasing beyond the means of those earning at Scituate's median income level and low- and moderate-income households are hard-pressed to find a unit they can afford in Scituate. As prices continue to increase, it is likely that some current Scituate residents such as renters, first time homebuyers and the elderly will no longer be able to afford to live in town even though they may have lived in the community for many years. Given starting salaries such as those for School Department custodians of about $35,200, and $41,200 to $44,500 for entry level teachers[23], many local employees, including those who provide essential services, are effectively priced out of the market in Scituate.

In an effort to obtain information on unmet local needs, the then operating Scituate Housing Partnership prepared a housing survey for distribution to a random sample of Scituate households and conducted a statistical analysis of the results in 2004. The project also involved several public forums where municipal and school employees, housing advocates, human service providers, developers, and real estate brokers were invited, in addition to community residents, to discuss a range of issues related to housing.

The following major results of this Housing Needs Survey were summarized in the April 2005 Final Report, many of which are likely to still reflect current market conditions:

- Housing is too expensive for first-time homebuyers.
- There are not enough housing choices.
- Many respondents indicated that they would like to buy up or downsize but could not afford to move. Consequently, they either resigned themselves to stay in place or expanded their current residence, thus reducing the number of smaller homes on the market.
- Twenty-one percent of respondents were considering a move because of high housing costs, home maintenance expenses, as well as an interest in downsizing or moving to a retirement community.
- Seventy-five percent of respondents supported townhouse development.
- One-third supported each of the following – two-family houses, changes in zoning, improving the permitting process, and reducing property taxes for landlords that provide affordable housing.

[23] $41,169 is a starting salary for teachers with a B.A. with no experience and $44,462 for those at entry level with a Master's degree.

- Thirty-four percent were spending more than 34% of their income on housing and 13% were spending at least 40% or more on housing.
- Fifteen percent indicated that they had difficulty affording their monthly housing costs.
- Twenty out of 22 renters who responded to the survey stated that they had not purchased a home because they could not afford the monthly payments and/or the down payment.
- Thirty-eight percent stated that they had at least one family member who would like to move to Scituate but could not afford to do so.
- Ten percent of respondents said that they have considered sharing their home to help manage their high housing expenses.
- The housing preferences of respondents were single-family homes with townhouses a close second.
- Respondents were generally opposed to large multi-family development or negative impacts on Town services, water supply, environmental resources and open space.

The following four main policy implications emerged from the survey:

1. Remove regulatory barriers and provide incentives to encourage affordable housing.
2. Maximize the value of revenue received under the Community Preservation Act (CPA).
3. Inform residents and build support for affordable housing.
4. Anticipate the future by paying attention to demographic and market changes.

This Housing Needs Assessment provides another opportunity to address the survey's policy implications by updating important demographic, economic and housing data; analyzing affordability gaps; revisiting key housing strategies to address unmet needs and demand; and providing opportunities for local leaders and residents to weigh-in on local housing issues.

Another more recent assessment of local housing needs and demands was conducted by the Metropolitan Area Planning Council (MAPC) which prepared population and housing demand projections for communities in the Boston region, including Scituate. Projections regarding household growth and resultant housing demand changes between 2000 and 2030 are summarized in Table 3-33. These projections suggest a 5.9% growth in the number of households between 2010 and 2030 and a 4.7% growth in housing units during this same period.

Table 3-33: Household and Housing Demand, 2000-2030

	2000	2010	2020	2030
Households	6,694	6,859	7,111	7,265
Housing Units	7,685	8,035	8,251	8,410

Source: U.S. Census Bureau, 2000 and 2010; Metropolitan Area Planning Council, Metro Boston 2030 Population and Housing Demand Projections, January 2014.

As shown in Table 3-34, the projections suggest that between 2010 and 2030 Scituate should produce about 375 housing units. Also based on estimated market demand in other maturing suburbs and South Shore communities, approximately 30% of these new units should be in multi-family structures and 18% should be rentals. These projections are based on existing zoning and past growth patterns.

Table 3-34: Change in Housing Unit Demand, 2010-2030

Area	Housing Units	% Multi-family	% Rental
Scituate	375	--	--
Maturing Suburbs	47,069	31%	18%
South Shore Subregion	12,095	28%	18%
Metro Boston Region	244,979	47%	30%

Source: Metropolitan Area Planning Council, Metro Boston 2030 Population and Housing Demand Projections, January 2014.

Incorporating some affordability into future development, including significant multi-family rental housing, will help diversify the housing stock and respond to unmet local housing needs while striving to meet production goals.

Based on this analysis, the Housing Plan that was completed in 2008 as well as the information incorporated in this updated Housing Needs Assessment, there are a number of key indicators that suggest there are significant local needs for affordable housing that go beyond what is required to meet the 10% state goal under Chapter 40B including:

1. ***Households with Limited Incomes***

- Despite increasing household wealth, there still remains a population living in Scituate with very limited financial means. Of the 6,858 estimated households in 2012, 598 or 8.8% had incomes of less than $25,000, representing extremely low-income levels at or below 30% of area median income. An additional 1,035 households had incomes between $25,000 and $50,000. *Consequently almost one-quarter of all Scituate households had limited incomes of less than $50,000, which is not an insignificant number given the general affluence of the community.*
- *Approximately 27% of Scituate households (or about 1,885 households) would likely qualify for housing assistance as their incomes are at or below 80% of area median income defined by the U.S. Department of Housing and Urban Development (HUD) or $61,000 for a family of three*.[24] Of these households, approximately 63% were spending too much of their income on housing.
- There was a small increase in the numbers of those living in poverty between 1999 and 2012, from 451 individuals to 526, representing 2.9% of all residents. More than one-fifth of the individuals below the poverty level were 65 years of age or older including 114 seniors.
- The lowest priced one-bedroom rental unit listed at $1,100 and the lowest for a two-bedroom unit was $1,200, requiring incomes of $50,000 and $54,800, respectively, too high for those earning at or below 50% AMI.[25]
- For renters earning within 80% MFI, about 18% of elders, 30% of small families (2 to 4 related household members), all of the large families (5 or more related family members) and two-thirds of singles under age 62 were spending too much of their income on housing.
- There are only a handful of subsidized units available to families in Scituate with substantial waits and little turnover,

Need: *Given the high costs of housing, more subsidized rental housing is necessary to make living in Scituate affordable, particularly for those described above who have very limited financial means.*

[24] While these households' incomes might be at or below 80% of area median income, many households are likely to have assets that are more than the allowable state or federal standards that would disqualify them from housing assistance.

[25] Assume utility allowance of $150 for a one-bedroom unit and $170 for the two-bedroom.

Goal: *At least three-quarters of the affordable units produced should be rental units.*

2. Gaps in Affordability and Access to Affordable Housing

- To afford the median sales price of a single-family home of $480,000 as of May 2014, a household would have to earn an estimated $107,400 based on 80% financing.[26] This income is higher than the median household income for the Town per 2012 census estimates of $92,287.
- *The affordability gap is about $90,000 - the difference between the price of the median priced single-family home ($480,000) and what a median income household can afford ($390,000). This gap will widen as the housing market continues to rebound.* These calculations are also based on the ability of the purchasers to secure sufficient cash to afford 80% mortgage financing of about $85,000. While financing with less than 5% down payments was common before the financial crisis, such mortgages are now more the exception than the norm.
- The affordability gap widens to $257,000 if the analysis focuses on those low- and moderate-income households earning at or below 80% of area median income, or $61,000 for a family of three (3), who can afford a house costing no more than about $223,000.[27]
- The median condo price was $407,500 as of May 2014, although the small sample of only ten (10) sales and the median price of $503,500 in 2013 and suggests that this median may be relatively low and a higher median might be expected as more sales are transacted. The affordability gap is an estimated $68,500 based on the assumption of 80% financing and upfront down payment and closing costs of about $75,000. The gap widens to $231,500 for a household earning at 80% of area median income which can afford a condo for about $176,000 assuming they were able to qualify for a subsidized mortgage through the state's ONE Mortgage Program or a MassHousing mortgage.
- There are few residential properties that are valued in the affordable range below $200,000, only 64 or less than 1% of all properties in Scituate, the bulk of which are condominiums on New Kent Street or Meeting House Lane.
- There are only 22 single-family homes and 42 condos that would be affordable to those earning at or below 80% AMI.
- A lottery for first-time homebuyer units at Fairway Village involved 181 pre-approved applicants, suggesting substantial pent-up demand for affordable homeownership opportunities.
- Demographic trends suggest that escalating housing costs may be pricing younger individuals and families out of the housing market as those entering the labor market and forming new families have been dwindling in numbers, reducing the pool of entry level workers and service employees as well as forcing the grown children who were raised in town to relocate outside of Scituate. For example, the population age 21 to 34

[26] Figures based on 80% financing, interest of 4.5%, 30-year term, annual property tax rate of $18.98 per thousand, and insurance costs of $1.25 per $1,000 of combined valuation of dwelling value (value x 0.5), personal property ($100,000 fixed), and personal liability ($100,000 fixed). Also based on the purchaser spending no more than 30% of gross income on mortgage, property taxes and property insurance.

[27] This analysis assumes the ability of the purchaser to obtain subsidized mortgage financing from the ONE Mortgage Program or MassHousing mortgage offerings. Therefore, no private mortgage insurance (PMI) was included in the calculations and 95% mortgage financing was assumed. It also uses the HUD income limit for a three-person household earning at 80% AMI as the average household size in Scituate was 2.62 persons based on census data.

decreased by about half, from 3,361 residents in 1980 to 1,578 in 2010 with little change by 2012.

Need: *Wider range of affordable housing options, including first-time homeownership opportunities, particularly for younger households entering the job market and forming their own families, as well as affordable condominiums for empty nesters.*

Goal: *About one-quarter of all new affordable units created should be directed to homeownership, either small starter homes or affordable condominiums.*

3. Disabilities and Special Needs

- A total of 1,441 individuals, representing 8% of the population, claimed a disability according to 2012 census estimates. Of the population under age 18, 158 or 3.4% had some disability, and 408 or 3.9% of those age 18 to 64 also claimed a disability. Another 875 residents age 65 or older claimed a disability, representing 30.8% of those in this age category.
- There are at least two-year waits for those seniors who seek subsidized housing at Central Park and six months to a year for Lincoln Park and Wheeler I and II.
- There were a dozen younger disabled applicants waiting for SHA units who were Scituate residents, out of 111 total applicants on the wait lists with waits of at least two years even for residents.
- Population projections estimate that there will be substantial increases in the population 65 years of age and older, from 17.2% in 2010 to almost 30% by 2030. This increase includes the aging baby boomers and suggests that the Town undertake appropriate planning to accommodate an aging population that is likely to have special needs in the future and need smaller units.
- There are presently no assisted living options in Scituate, and residents tend to rely on such facilities in nearby communities including Village at Proprietor's Green in Marshfield, Sunrise Senior Living in Cohasset, and Linden Ponds and Allerton House in Hingham.

Need: *For seniors and special needs populations, some amount of new housing should be built adaptable or accessible and/or include supportive services.*

Goal: *10% of all new affordable units created should be made handicapped accessible and/or include on-site support services.*

4. Housing Conditions

- Almost three-quarters of Scituate's housing stock, 5,131 units or 65.4%, was built prior to 1970, and is likely to have traces of lead-based paint which pose safety hazards to children. Some of these aging units are also likely to have deferred maintenance needs.
- About 70% of Scituate's housing stock still relies on septic systems. Failing septic systems within the watersheds of surface waters or groundwater used for drinking water can have serious negative effects on water quality. High housing density, poor maintenance and inadequate sizing contribute to septic system failures.

Need: *Programs to support necessary home improvements, including deleading and septic repairs for units occupied by low- and moderate-income households, particularly the elderly living on fixed incomes and investor-owned properties tenanted by qualifying low- and moderate-income households.*

Goal: *Continue to help qualifying households access assistance to make necessary home improvements.*

There is therefore a sizable population of those who are seniors, have special needs and/or have very low incomes who have significantly reduced capacity to secure decent, safe and affordable housing in Scituate. A broader range of housing options is required to meet these varied needs, and this Housing Needs Assessment suggests a focus on providing rental for those most vulnerable community residents.

4. CHALLENGES TO PRODUCING AFFORDABLE HOUSING

At 570 persons per square mile, Scituate has a relatively high population density compared to surrounding towns. Although the town has significant area zoned for small-sized residential lots of a half and a quarter acre, this is offset by a very limited total acreage of remaining developable land. In addition, the town's poor soils add significant development costs for construction of septic systems and drainage infrastructure. All of these factors have probably contributed to the low annual numbers of new homes being constructed in recent years, and pose obstacles for development of affordably priced housing in Scituate. It will be a great challenge for the town of Scituate to create enough affordable housing units to meet the state's 10% affordable housing standard, production goals and local needs, particularly in light of the following development challenges:

4.1 Infrastructure

Challenges

A major constraint and cost factor for new development relates to infrastructure, particularly the lack of sewer services throughout many areas of town as well as water capacity issues that raise concerns about the impacts of any new development on water supply and quality.

Sewers

Scituate has large areas where soils are unsuitable for typical septic systems. This increases the cost of construction unless properties can be connected to Town sewer, an expensive alternative. There are approximately 3,064, or 39% of all housing units in Scituate, that are sewered,[28] and it is anticipated that the newly expanded wastewater treatment plant will be able to accommodate additional new connections at capacity. The Sewer Expansion Study proposed that the neighborhoods with the greatest needs based on difficulty meeting Title V regulations would have first priority for extension of sewer service[29] including the following areas:

- Greenbush/Reservoir Area
- The Cliffs
- Musquashcut Pond
- Front Street (extended from present sewered area)
- North Scituate
- Minot

Approximately 60% of all homes in Scituate use on-site septic systems, including some that still utilize cesspools.[30] In the typical septic system, 99% of wastewater and sewage deposited in septic tanks or cesspools flows through the system into the ground, in some cases after distribution through a leaching area. Sewage contains bacteria and viruses, which to some extent are attenuated in the soil, but may cause contamination of groundwater. Studies have

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[28] Town of Scituate, Department of Public Works, Sewer Division spreadsheet.
[29] Camp Dresser & McKee Inc., Town of Scituate, MA Sewer Expansion Study.
[30] Comprehensive Environmental Inc., Supplemental Facilities Plan for Wastewater Management, 1992.

shown that septic systems are a leading source of nitrogen in groundwater.[31] Additionally, it is difficult to properly site septic systems in Scituate due to the types of soil conditions typical of many locations, and the presence of till in many locations makes it very difficult for wastewater from septic systems or storm water run-off to be absorbed into the ground. In their 1969 soil survey, the U.S. Department of Agriculture Division of Natural Resources and Conservation Services (NRCS) classified approximately 85% of the town's soils as having "severe" or "very severe" limitations for septic systems. These classifications were based on soil conditions such as shallow depth to bedrock, shallow depth to the water table, slow percolation rate due to compact, impermeable soils or hardpan, and periodic flooding. They indicate that soil properties in many parts of Scituate preclude on-site disposal systems without major and costly corrective measures.

Failing septic systems within the watersheds of surface waters or groundwater used for drinking water can have serious negative effects on water quality. High housing density, poor maintenance and inadequate sizing contribute to septic system failure. When septic systems are situated in locations with high groundwater, prominent changes to topography often result from mounded fill. These mounds permanently change the landscape and character of residential lots. This should be taken into account when the Town plans for long-term mitigation of failing systems.

In March 2001, Camp, Dresser & McKee completed a Sewer Expansion Study for the Town, which proposed geographic priorities for new sewer connections. This study established priorities using the following factors:

- Proximity to the existing sewer system;
- Cost per person served;
- Proximity to other areas proposed to be sewered;
- Impact on water supply; and
- Impact on water quality.[32]

The upgrade and expansion of the plant were completed, and the state's moratorium was lifted so that existing homes or businesses already on sewer could obtain approval for increases in flow. The Town has completed the extension of sewer in Greenbush, the Cliffs and the Musquashcut Pond area. The Greenbush area includes a Business District and residential development adjacent to the Reservoir.

Water

Approximately 80% of the Town's drinking water is supplied by five public drinking water wells. These wells tap the groundwater, or underground water supply, located within the stratified drift aquifer underlying the town. The groundwater in this aquifer is classified "Class A" by the

[31] Studies by Horsley Witten and Hegmann, conducted by the Buzzards Bay Project, February 1992, found that septic systems contributed 74% of nitrogen in groundwater while storm water accounted for 23%.

[32] Summary, Town of Scituate Sewer Expansion Study, Camp Dresser &McKee, Inc., prepared for Public Meeting No. 2, February 13, 2001, p. 12.

state's Department of Environmental Protection meaning that it is of high quality and suitable for public drinking water.

The State approves the total volume of municipal water use by Massachusetts communities. In Scituate, the volume permitted by the State including both surface water and ground water supplies is 1.73 million gallons per day (mgd). This includes Well 17, which is presently not in use for drinking water due to high quantities of manganese and iron, but could be put back in use with the addition of filtration. In 2013, water demand in Scituate was 1.42 mgd on average, with a maximum demand of 2.38 mgd. During the summer months, the population in Scituate increases, which together with lawn irrigation places substantial seasonal demand on the system.

In Scituate, residential water use is about 80% to 90% of total demand. The Town of Scituate groundwater withdrawal is within the permit limit established by the Water Management Act. (1.66 mgd.) The State requires towns to implement programs to conserve water. Over the past five years, the Town of Scituate has put in place a number of conservation measures, such as restrictions on outdoor watering, replacement of toilets at elementary schools with low-flow units, and other measures. The State is projecting that 1.77 mgd will be needed by the year 2025[33].

The current water distribution system is able to adequately handle the flows from average day demands, but cannot always maintain adequate water pressure during the maximum day and peak hour demands. This is primarily due to the lack of large-sized transmission mains connecting the water storage tanks and supply sources with the remainder of the system. The inside diameter of the mains has been reduced from tuberculation, or iron deposits coating the inside of the pipes. This leads to reduced flow availability, reduced water pressure and poorer water quality. The existing storage tanks are sufficient to supply adequate fire flow volume, but the hydraulic capacity of the distribution system must be increased to maintain recommended fire flow to all homes. Town Meeting allocated $400,000 in capital expenditures in FY14 and bonded an additional $22 million to upgrade water mains, with work currently ongoing in many areas of Scituate.

Other Infrastructure Issues
Community residents have also voiced concerns over the availability of roads, police and fire protection, and other Town services in addition to water and sewer to accommodate new development and the resulting cost implications associated with extending these services. For example, there has been concern about the availability of sidewalks for school children as school bus service has begun to be diminished.

Mitigation Measures
Sewer
The Town must continue to address the problem of failing septic systems, particularly in recharge areas to Town wells and the Reservoir system, and near streams, wetlands and coastal waters. The Board of Health has developed a septic system management program to track information about on-site systems, including inspection and maintenance records and to identify sources of contamination. State funding programs have helped residents who cannot

[33] DEP WMA Permit Renewal Order to Complete, 12/9/2011

afford to upgrade their septic systems. Revisions to Title V[34] requirements and planned extension of sewer taken together should provide a high level of protection for the streams and wetlands in the town.

Water

Scituate, like many other Towns on the South Shore, needs to continue to carefully assess the ability of its water supply to support additional development and plan accordingly. It will be important for any new affordable housing development to address these infrastructure constraints, septic issues in particular, and insure that there are sufficient amounts of subsidies incorporated into the project to adequately service new residents and protect the environment.

4.2 Zoning

Challenges

As is the case in most American communities, a zoning bylaw or ordinance is enacted to control the use of land including the patterns of housing development. Like most localities in the Commonwealth, Scituate's Zoning Bylaw embraces zoning that maintains low housing densities in most residential areas and constrains the construction of affordable housing.

Scituate has three residential zoning categories, Residence R-1, R-2 and R-3, with minimum lot sizes of 40,000, 20,000 and 10,000 square feet, respectively. Single-family homes and duplexes are permitted, but multi-family development of more than two attached units is not allowed in the Residential Zoning Districts, however is allowed in the Business Districts with a minimum lot size of 10,000 sq. ft. per unit but very few parcels can meet this requirement.

Table 4-1: Summary of Dimensional Requirements

District	Required Lot Area	Required Lot Width
R1	40,000 square feet	175 feet
R2	20,000 square feet	125 feet
R3	10,000 square feet	100 feet
GB, HB and C	10,000 square feet	100 feet

*GB – General Business District, HB – Harbor Business, and C – Commercial District

** For each family occupying the dwelling, except in the case of accessory dwellings.

Source: Town of Scituate Zoning Bylaw

The majority of the Town's vacant developable land lies within the Residence R-1 and R-2 Zoning Districts. In the MAPC Buildout Analysis these zones account for over 78% of expected future residential growth. Only limited infill development can be expected in the Residential R-3 District because new development opportunities are limited.

The varied patterns of development in the three Residential Zoning Districts reflect the historic pattern of development in town, with neighborhoods of different densities and character. Each of these districts has particular land use characteristics that are distinct from those of other sections of Scituate.

[34] Title V is the state law governing the placement of septic systems, and is administered locally by Boards of Health.

The Residence R-1 Zoning District is located in the West End section of Scituate, graced by winding roads flanked by woods and stonewalls. This district still has large tracts of open space, and the land maintains some of its original rural character and also contains much of the watershed for the Reservoir. Environmental issues, particularly with regard to protection of water quality, are an important concern. Infrastructure in some areas needs to be upgraded to serve new construction. For example, water pressure is inadequate for large developments in some areas, and development generally requires new roads.

In the Residential R-2 Zoning District, the 20,000 sq. ft. minimum lot size has allowed smaller tracts of land to be developed as multi-lot subdivisions. Much of this land, like the West End, has high groundwater, poor drainage and soils inadequate for septic systems. Specialized drainage facilities and mounded septic systems are often necessary, but these are sometimes difficult to integrate into the surrounding landscape. A large area lies within the Water Resource Protection District. The Lawson Tower, Dreamwold, Town Common, Cudworth House and other well-known historic sites are in this District as well. New development at relatively high densities has the potential for significant impacts on the environment and the historic character of surrounding neighborhoods.

The Residential R-3 Zoning District, located along the water's edge, covers much of Scituate's coastline. Flood protection is critical in this District, but views of the shoreline are threatened by densely developed, elevated homes fronting the water. Mansionization is a concern because of the small lots typically found here (10,000 sq. ft. and less.) There is a real need for some greater amount of open space and recreational facilities, although little vacant land remains.

Single-family residential development is responsible for the pattern known as suburban sprawl, where many square miles of a community are consumed by regularly spaced housing that often reflects little of the traditional local character. The strong market for new residential development, combined with substantial acreage zoned for large lots, mean that the town's pattern of new building will consume large amounts of land. These growth patterns threaten local assets, and have had a statewide impact, resulting in land consumption far outpacing population growth[35].

The Scituate Zoning Bylaw includes several alternative development scenarios including the Planned Development District, Residential Cluster District, Open Space Preservation Development, Flexible Open Space Development, Accessory Apartment provisions, Village Business Overlay District, Humarock Village Overlay District, and Residential Compound Development. Some of these development scenarios can accommodate multi-family housing, however, incentives may be needed to encourage the use of some of these techniques and integrate affordable housing. The provisions are summarized below.

- *Planned Development District*
  The purpose of the Planned Development District was "to encourage a mix of land uses and activities, including an 18-hole golf course and a community recreation complex, a mix of residential land uses that include permanent affordable housing, and building

[35] This is borne out by comparison of the population density in Massachusetts in 1950 (11.19 persons per acre) and today (4.97 persons per acre.) (Statistics from Mass. Audubon Society)

types that complement each other; to provide for the development of these uses in a comprehensive manner instead of piecemeal and to save open space that otherwise would be lost or wasted; to promote more efficient use of land while protecting natural resources such as wetlands, water bodies, ground water and native vegetation; all in conformity with the provisions of Massachusetts General Laws, Chapter 40A, Section 9 for "planned unit developments".[36] This ambitious bylaw allowed the creation of subdistricts including a Subdistrict A – Affordable Residential Housing District – that further provided for two sub-subdistricts, A-1 for Affordable Homeownership and A-2 for Affordable Rental Housing. To provide this type of housing the applicant for the special permit (the Planning Board is the special permit granting authority) must be a non-profit organization in response to a Request for Proposals issued by the Board of Selectmen that must hold title to the property. The sale of any affordable unit would involve a 99-year ground lease and the resale price would be based on the original purchase price plus an inflation allowance indexed on the Consumer Price Index. Each affordable unit occupant is also required to pay an annual fee to the non-profit organization. There is also a release provision that allows the affordability restrictions to be lifted under a three-quarters vote of the non-profit and all owners. These requirements are now out of sync with state affordable housing guidelines for inclusion in the Subsidized Housing Inventory (SHI).

The PDD provisions also include building and maintenance requirements such as:

- Detached single-family homes and/or attached townhouses allowed to a maximum of 150 ownership units and 30 rental units.
- Building height limits of two stories or 35 feet.
- Required natural or landscaped buffer around property of at least 100 feet.
- Two parking spaces per unit.
- Building separations of at least 50 feet.
- All units connected to public sewer at the developer's expense.
- Common open space must be conveyed to a homeowners association.

Other subdistricts allowing multi-family housing include Subdistrict B, Open Space, Residential and Recreation, used to create the condominiums at Scituate Country Club, and Subdistrict F, Marine and Residential, used in the Riverway development (formerly the Residences at Herring Brook). This 28-unit condominium project, which has yet to be built, is proposed to include two affordable rental units above a retail building on the Driftway.

- *Residential Cluster District*
  The purpose of the Residential Cluster District is to "encourage the more efficient use of land in harmony with its natural features; to encourage the creativity in the design of developments through a carefully controlled process; to encourage a less sprawling form of development, a shorter network of streets and utilities, more economical development of land with less consumption of open space; to permanently preserve natural topography and wooded areas within developed areas to preserve usable open space and recreation facilities close to homes; to provide an efficient procedure to

[36] Town of Scituate Zoning Bylaw, Section 490.1.

ensure appropriate high-quality design and site planning; and to enhance the neighborhoods in which they occur and to the town as a whole."[37] Once again the Planning Board is the special permit granting authority and detached single-family homes or attached townhouses are allowed in addition to accessory buildings and recreational uses. Other requirements include:

- Minimum lot area of 20 acres.
- Minimum of 10,000 square feet per unit and no more than four units per acre.
- Height limits of 2½ stories or 35 feet.
- Setbacks or buffer of at least 60 feet in natural or landscaped condition.
- Parking requirements of 2½ spaces per unit.
- Some pedestrian circulation facilities.
- All units connected to public and private utilities at the developer's expense.
- Land not devoted to housing or accessory uses must be set-aside as common open space and conveyed either to the Town of Scituate, a non-profit organization whose purpose is open space conservation, or to a homeowners association.
- A density bonus may be granted if affordable units are included. For each additional affordable unit, one additional market unit can be constructed up to a maximum increase of 15% of the housing units allowed under the base zoning.
- Buildings separated by at least 35 feet.
- No more than two units can share a common façade line.
- No building can be more than 150 linear feet in length or contain more than seven units.

This bylaw represents an attempt on the part of the Town to promote smarter, more compact development that is less disruptive of the natural environment, with a specific provision for the inclusion of affordable housing. However, the area of this zoning district is limited to a few parcels, which are mostly included in Seaside at Scituate, a proposed 90+ unit development by Toll Bros. The site was formerly a WW1 Army Proving Grounds and later contained some industrial uses.

- *Open Space Preservation Development*
  The Open Space Preservation Development bylaw represents another attempt by the Town to incorporate open space into residential development with the following requirements:[38]

  - Minimum parcel size of ten acres.
  - Minimum area requirements of 20,000 square feet In Zoning District R-1 and 15,000 square feet for Zoning District Residence R-2, as well as frontage requirements of 100 feet and 75 feet respectively. The Planning Board can grant a reduction of these intensity requirements if it determines it will lead to better design or the improved protection of natural resources.
  - Not allowed in an established single-family neighborhood if the Planning Board determines it will have a detrimental effect on the surrounding area.

[37] Town of Scituate Zoning Bylaw, Section 500.1.
[38] Town of Scituate Zoning Bylaw, Section 520.

- The applicant must demonstrate that this form of development is more appropriate than the conventional pattern of subdivision.
- Detached single-family units allowed.
- Number of units cannot exceed the number permitted under conventional subdivision requirements.
- No less than 30% of land area should be devoted to common open space and no more than 20% of this open space can be covered by man-made impervious surfaces.
- Required setback of 50 feet from between the common open space and all property lines.
- The common open space should be conveyed either to the Town of Scituate, a non-profit organization whose purpose is open space conservation, or to a homeowners association.

Once again this bylaw attempts to direct housing towards more compact development that is clustered on preserved open space but does not include any provisions related to affordable housing. This bylaw was used in the late 1990's and was used for Heritage Trail, a subdivision in the West End, and a few other developments.

- *Flexible Open Space Development*
  This bylaw represents another set of requirements to promote smart growth development and "to preserve natural and cultural resources which contribute to the town's history and character, to discourage development sprawl which may result from conventional zoning, and to allow maximum flexibility and creativity in the design of single and two-family residential subdivisions, permitting greater preservation of open space than would normally occur with conventional development".[39] Again, the Planning Board is the special permit granting authority. Requirements under this bylaw include:

  - Minimum parcel size of 160,000 square feet for District R-1 development and 80,000 square feet for District R-2, exclusive of wetlands.
  - The number of units cannot exceed that permitted under conventional subdivision requirements.
  - The design should minimize the size of developed areas.
  - Important natural and historic features should be protected.
  - The design should enhance the overall semi-rural appearance of Scituate.
  - Each lot should be capable of supporting the size of a single or two-family dwelling and its accessory uses and not more than one house can be located on a lot.
  - Provisions should be made with regard to the ownership and maintenance of the common land and other common facilities, satisfactory to the Planning Board.

  As with the bylaws mentioned above, these provisions also are directed to the clustering of residential dwellings on larger parcels, this one with some greater flexibility as to

[39] Town of Scituate Zoning Bylaw, Section 550.1.

intensity requirements. Nevertheless, only single and two-family structures are allowed and, unlike PDD, there is no inclusion of affordability requirements.

This bylaw was actively used in the late 1990's and early 2000's. Some Flexible Open Space Developments approved during this period are Doctors Hill, Northey Estates, Greenfield Estates, Dreamwold Estates, Cornerstone Estates, Tilden Estates, The Glen, and Benjamin Studley Farm.

- *Accessory Dwellings*
  The Zoning Bylaw states that the purpose of the Accessory Dwelling bylaw is:

  A. To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;
  B. To make housing units available to moderate income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;
  C. To provide a variety of types of housing to meet the needs of its residents and workers;
  D. To protect stability, property values and the character of the single-family residential neighborhood and the vitality of business districts; and
  E. To legitimize conversions to enable the Town to monitor conversions for code compliance.[40]

  The Planning Board may grant a special permit for an accessory apartment if it meets a number of requirements including but not limited to the following:

  - Limit of 25 permits per calendar year.
  - Units must be complete and separate housekeeping units in the primary dwelling.
  - Accessory units within structures used for business purposes must be located above the first floor or street level and no more than three accessory units can be created in any one building.
  - In Business Districts, one affordable unit may be located on the first floor if it is entered from a side of the building other than that facing the street, has direct access to associated parking, and is accessible to persons with disabilities.
  - Only one accessory unit can be created in a single-family house and must comply with all zoning requirements for the district except for legal, pre-existing, nonconforming structures.
  - The accessory unit must not involve the expansion of the pre-existing structure, must clearly be a subordinate part of the single-family house or business, and designed so that the appearance of the building remains unchanged (new exterior stairs must be located on the side or rear of the building).
  - The accessory unit cannot exceed the maximum of either 750 square feet or 40% of the total square footage of the primary dwelling.
  - Two parking spaces per accessory unit are required.

[40] Town of Scituate Zoning Bylaw, Section 530.1.

- The dwelling must comply with all building codes and regulations including Title V.

In 2004, the Town added an affordability component to the bylaw that included these requirements in addition to the basic accessory unit provisions mentioned above through the site plan review process:

- No more than 15 affordable accessory dwellings per calendar year.
- The affordable unit must comply with the state's Local Initiative Program (LIP).
- The Scituate Housing Authority will monitor the affordability restrictions and annually certify the eligibility of the unit for inclusion in the Subsidized Housing Inventory.
- Affordability restrictions are in effect for a minimum of 15 years, but for units created in a Residential Zoning District, the use restrictions may be revocable upon sale of the primary dwelling after a minimum of five years of occupancy of the accessory unit.
- The accessory unit cannot contain more than two bedrooms.
- The primary residence must be owner-occupied as a primary residence.

The Planning Board may also grant a special permit for an affordable accessory apartment under the following conditions:

- Affordable accessory units in a detached structure on the same lot, such as a barn or garage, in the Residence R-1 and R-2 Zoning Districts.
- Affordable accessory apartments on a nonconforming lot in the Residence R-1 and R-2 Zoning Districts.
- In Business Districts, the Planning Board may allow more than three affordable accessory apartments in one building or waive the requirements that first floor units be entered from a side of the building other than that facing the street, have direct access to associated parking, and be accessible to persons with disabilities.

As of June 30, 2014, Scituate had approved 69 accessory apartments and of these two were deed-restricted as affordable to those earning within 80% of area median income. However, because of changes to the state's Local Initiative Program (LIP), under which these affordable units would be counted as part of the Subsidized Housing Inventory (SHI), none of these units can be counted. LIP now not only requires that all affordable accessory units be affirmatively marketed based on a state-approved fair marketing plan, but the Town would also need to establish and maintain a waiting list of qualified households applying to rent affordable units, a Ready Renters List that Scituate has not implemented as the Town allowed owners to select their own tenants instead. While these accessory units cannot be counted towards the Town's 10% affordability goal or annual production goals, they nevertheless serve an important need in Scituate for smaller affordable year-round rental units.

- *Village Business Overlay District*
  The purpose of the Village Business Overlay District is to promote opportunities for local, small-scale businesses, encourage alternative models of transportation such as

public transit, bicycling, and walking; provide for higher density of mixed-use and multi-family housing in village areas; provide for a variety in residential housing development patterns and which reflect the unique characteristics of each subarea; increase the production of housing affordable to low- and moderate- income households; and encourage efficient provision of necessary utilities and community services".[41] This zoning district does not change the underlying zoning except when an applicant voluntarily chooses to follow the provisions of this section of the Zoning Bylaw.
The requirements for mixed-use development include:

- Fifteen percent of the proposed dwelling units must be affordable to low- and moderate-income households earning no more than 80% of area median income adjusted by household size and are as follows –

Table 4-2: Affordability Requirements

Total Housing Units	Required Number of Affordable Units
8-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total

- Affordability restrictions will be controlled by a deed rider or use restrictions that operate in perpetuity and must be recorded with the Plymouth County Registry of Deeds. Units must be in compliance with the state's Local Initiative Program.
- All affordable units must be distributed throughout the proposed development so that exteriors are not distinguishable from the market rate units.
- At the discretion of the Planning Board the development of off-site affordable units may be allowed.
- The first floor should be occupied by retail uses.
- The number of permitted uses should be up to 16 units per 40,000 square feet, or 17 to 20 units per 40,000 square feet if significant public benefits are offered, or the equivalent of 36 units per 40,000 square feet in Scituate Harbor if parking is located underground and significant public benefits are involved.
- Density bonuses may be offered up to the equivalent of 20 units per 40,000 square feet of lot area in Greenbush or North Scituate or up to 36 units per 40,000 square feet in Scituate Harbor if parking is provided under the mixed-use structure and the developer provides significant improvements providing a public benefit such as off-site infrastructure, land suitable for a public way, open space, additional affordable units, etc.
- Twenty-percent of the lot area must be open space, however, this requirement can be waived in the case of the re-use of existing buildings for mixed-use development.

[41] Town of Scituate Zoning Bylaw, Section 560.1.

- Parking requirements are one space per 300 square feet within 400 feet of a Town Public Parking Lot if parking is available during the hours of operation of the retail or office use. This requirement may be waived if the applicant can demonstrate adequate on-street parking is available or that other special circumstances exist such as the shared use of a parking lot by activities having different peak demand times.
- In Greenbush and North Scituate, due to the proximity of transit, parking requirements may be reduced for residential units in a mixed-use building to one space per one bedroom unit, 1.5 spaces per two-bedroom unit, and 2 spaces per three or more bedroom units.
- Developments of seven or fewer units are exempt from affordability requirements and may be waived if an existing historic structure is involved.

The Planning Board is in the early stages of processing a couple of projects. One, a mixed-use development named Greenbush Station, is located at 50 Old Country Way and includes 30 total housing units including four (4) affordable ones. Another involves the development of a parking lot that the MBTA auctioned with 54 proposed units, including eight affordable units.

- *Humarock Village Residential Overlay District*
  This Overlay District was adopted to "regulate, condition and protect the village center of the small ocean-front community of Humarock, which lies on an environmentally sensitive barrier beach; to encourage redevelopment of parcels containing outdated uses; and to allow alternative forms of residential development at an appropriate scale for the land."[42] In addition to the permitted residential uses in the underlying zoning, the Overlay District allows multi-family housing (townhouses) by Special Permit under a number of conditions including but not limited to the following:

  - Up to seven (7) units per 40,000 square feet of lot area or eight (8) units if significant public benefits are integrated into the development. Such benefits include additional affordable units above the 10% required level for projects of ten (10) or more units, rounded to the nearest whole number.
  - Building heights no greater than 2½ stories or 35 feet.
  - Floor Area Ratios (FAR) no greater than 0.425.
  - Projects adjacent to water must provide public access to waterways.
  - All residential units should be accessed from the first floor unless the first floor contains a retail or business use.
  - Design standards that encourage materials and building styles that are similar to those in place in Humarock and reflect the traditional seaside character of the area and protect the waterways.

- *Residential Compound Development*
  Residential Compound Development provides another alternative to the conventional residential subdivision "by providing for limited residential development within a large tract of land without requiring the construction of a subdivision road to (1) promote large lot development; (2) reduce construction costs; (3) reduce impacts of new

[42] Town of Scituate Zoning Bylaw, Section 570.

development on abutting properties; (4) eliminate future Town maintenance responsibilities and costs for the development; and (5) preserve the semi-rural character of the town".[43] Requirements include:

- Such development is restricted to a group of not more than five single-family dwellings that share common frontage and a private access road.
- The shared frontage must be at least 100 feet along a public or private way.
- The tract of land must be at least four times the gross size that is required in the district for the number of proposed lots.
- There are no minimum lot width or frontage requirements within the tract of land but no structure other than a fence can be built within 50 feet of any perimeter line for R-1 and R-2 districts or within 30 feet for R-3 districts.
- No building lot can be less than two times the minimum lot requirement for the district.
- Any land within such a tract that is not designated as a building lot should be preserved as permanent open space.

There are no provisions for incorporating affordability. This provision was used in the Arrowwood Development, where ten additional homes were built beside seven in an approved subdivision, but has not been used anywhere else.

The Zoning Bylaw currently allows substantial increases in height for nonconforming homes located close to sideline setbacks. This has resulted in the expansion of small seasonal cottages, which have become much larger homes in the coastal neighborhoods of Cedar Point, Sand Hills, Minot and Humarock.

The Zoning Bylaw contains a description of an E Zoning District that permits multi-family housing, which was never implemented because no locations where it would apply were identified on the Zoning Map. The development allowed in this District, if it were mapped and as described in the Bylaw, would consist of structures of up to twelve units with each building required to have changes in the front plane of the façade for a better appearance. It was anticipated that this focus on the appearance of the structures together with provisions for landscaping, parking, ample setbacks from lot lines and between buildings, and land for recreation would result in attractive multi-family housing development.

Other recent town involvement in affordable housing has included the Planning Board's efforts to obtain affordable housing from private developers. In 2006, the Housing Partnership requested Town Meeting approval of $100,000 in CPA finds for a feasibility study to develop five affordable condominiums on Town-owned land on Stockbridge Rd. This proposal was defeated.

Mitigation Measures

This Housing Plan includes a number of strategies that are directed to reforming local zoning regulations, making them "friendlier" to the production of affordable housing and smart growth development. These include adding inclusionary zoning, modifying accessory apartment provisions, allowing affordable housing on nonconforming lots, exploring the use of 40R and 40S

[43] Town of Scituate Zoning Bylaw, Section 610.2.D.

and adopting a number of other measures that would allow affordable housing under more conditions (see Section 6.2).

4.3 Environmental Concerns

Challenges

Within Scituate's boundaries lie tracts of open land that remain in their natural state from an agrarian and coastal past. These resources are significant for conservation and recreational interests but many are subject to intense pressure for residential development. Approximately 60% of the town's land area includes agriculture, forestry, recreational open space, and protected wetlands, and some of this land is protected. The town has had a history of preserving land to enhance its rural character, and it also has rich environmental and cultural resources such as its beaches, woodlands, stonewalls, ledge outcroppings, scenic vistas, and numerous agricultural and historical sites. To date, the Town has preserved over 1,500 acres of land in order to maintain its open space character and conserve important ecosystems.

Scituate's inland water resources consist of rivers, streams, ponds and wetlands. The Herring River, Musquashicut Brook, Satuit Brook, Herring Brook, and Bound Brook are some of the town's important fresh water rivers and streams. These waterways supply habitats for insects, fish and amphibians that in turn provide food for birds and mammals.

Scituate has in fact a large variety of native wildlife such as birds, small mammals, amphibians, fish and reptiles. Their habitats include wetlands, vernal pools, salt marshes, woodlands, transitions between woods and fields, barrier beaches, rocky shorelines, and other natural areas, which provide forage for species that subsist on the vegetation and other wildlife. No recent inventory of the wildlife of the entire town has been made, but the Massachusetts Natural Heritage and Endangered Species Program (MNHESP) maintains information on rare and endangered wildlife species, and has identified a number of such species in Scituate in these important and vulnerable habitats.

Salt marshes are extremely productive ecosystems which act as nurseries for the young of many salt water organisms, for example, and afford habitat for many species of wildlife that feed on these organisms. Scituate has 1,245 acres of salt marsh, which is 11.4% of the total acreage of the town. Salt marshes are generally typified by flat, open, grassy areas along tidal waters. They are usually found in sites protected from the high energy of the open coast such as estuaries, salt ponds, or low entrapped portions of barrier beaches.

Vernal pools are small ponds that dry up in the summer but reappear each spring in the same location. They are essential for the breeding of salamanders and certain other species. Through a process of certification with MNHESP, these ponds are provided with extra levels of protection pursuant to several environmental regulatory programs, including the Wetlands Protection Act, Surface Water Quality Standards and Title V. Twenty vernal pools have been certified in Scituate, including three in North Scituate, fourteen in the West End, and three in Greenbush. The Conservation Commission's efforts to locate additional vernal pools are ongoing.

The Town's coastal areas offer another important habitat for many varieties of wildlife. In addition to fish, shellfish, and mammals such as seals, Scituate has long held an attraction for birdwatchers because of the wide diversity of species found here on a year-round basis. Scituate

has historically been a breeding spot for many bird species because of its proximity to the ocean, rocky cliff areas suited to nesting and protection, and rich salt marsh areas filled with abundant food supplies. For example, the Fourth Cliff site is the home of the second largest tern colony in the country, listed for special concern in Massachusetts. Also, at Fourth Cliff is the nesting site of piping plovers, another threatened species in Massachusetts. The Natural Resources Appendix contains information regarding the Town's rich variety of migratory and resident bird species and endangered wildlife in Scituate. In addition to those listed in the Natural Resources Appendix, there are documented occurrences (sightings) of state-listed rare species including *Crangonyx Aberrans* (Mystic Valley Amphipod), *Terrapene Carolina* (Eastern Box Turtle), *Hemidactulium Scutatum*, *Clemmys Guttata* (Spotted Turtle), and *Circus Cyaneus* (Northern Harrier Hawk).

Scituate's prime shellfish beds for soft-shell clams and mussels include the South River, the North River and Cohasset Harbor. Surf clams, less popular for harvesting, are available along the shoreline from the Glades to Third Cliff. In the Briggs Harbor area on the southern side of Cohasset Harbor is a vast resource of soft-shelled clams and mussels. Shell fishing in Scituate Harbor and the South River has long been prohibited due to unsatisfactory water quality (Sanitary Survey Report of Scituate North and South Coastal in the Town of Scituate, Division of Marine Fisheries, November 30, 2000). The water quality of the North River has improved substantially and efforts are continuing to identify remaining sources of contamination. This system is complex with heavily traveled roads, businesses and other land uses upstream as well as wildlife, contributing coliform bacteria to the river's waters.

Approximately 30% of the Town's land, or 3,279 acres, lies within the Flood Plain and Watershed Protection Zoning District. Within this Town Overlay District, a special permit is required for major additions and renovations to existing homes. New construction can only be allowed if a property owner can show his land is not subject to flooding. The Town has a second flood-related Zoning District, the Flood Insurance District, which corresponds to the FEMA Zone A or hundred year flood plain. Although large sections of Scituate's barrier beaches are already extensively developed, they continue to provide excellent protection against flooding of more inland areas. They remain fragile and prone to erosion, and new building in these locations should be avoided to the greatest extent possible.

It should also be noted that a significant amount of land in Scituate is wetlands and protected from development. The presence of these un-buildable areas has helped Scituate to maintain its semi-rural character with woodlands woven into all areas of town. The establishment of conservation land, recreation land and public and quasi-public open space offers further protection and reinforces the value of these unbuilt areas to residents. Both the use of open space and protected land for recreation and the value of these areas as a green backdrop for civic, commercial, and residential uses limits the amount of land on which new affordable housing can be easily developed.

The relative scarcity of developable land raises its value and the costs associated with acquisition and building. Environmental regulations and concerns suggest that the redevelopment of existing built areas or development that offers protection for open space adjacent to construction offers the best opportunities for creating new affordable housing.

Mitigation Measures
Housing strategies are largely oriented to actions that will promote smart growth and limit impacts on the environment such as promoting accessory apartments, converting existing housing to long-term affordability, developing infill sites in existing neighborhoods, exploring 40R and 40S, and promoting cluster development that include affordable housing (see Section 6 for details on these strategies). Moreover, it remains important for the Town to continue its strong enforcement of local, state and federal building codes to make sure any improvements on the barrier beaches are able to withstand flooding to the greatest extent possible.

4.4 Transportation

Challenges
Access to Scituate is primarily via Routes 123 and 3A. While Route 123 provides east-west access eventually joining Route 53 and leading to Interstate 93, Route 3A bisects the town from the north to the south, separating the West End from other areas of town. The Greenbush commuter rail provides a north-south orientation as it has been restored with stops in Greenbush and North Scituate. This new service links Scituate with Boston and other employment and commercial centers along the corridor. The MBTA and Scituate Board of Selectmen continue to evaluate the impacts of these rail stations and proposed mitigation measures.

Currently, the Town has limited local transit facilities or service in place. Dial-A-Ride service is provided for the elderly and those with disabilities. Residents must call ahead of time to schedule a pickup. Medical appointments/needs take priority for service. In discussions with Scituate's Council on Aging, it was identified that seniors are having a difficult time securing transportation to the Town's Senior Center and medical visits.

Mitigation Measures
The Town will have to pay particular attention to the projected traffic implications of any new development, working with the developer to resolve problems. Opportunities to direct development to areas that are most conducive to higher densities and transportation, such as Scituate's villages, commercial corridors and commuter rail, will serve to reduce transportation problems and access issues for Scituate's seniors and disabled. For example, the Planning Board is currently reviewing a mixed-use development near the Greenbush MBTA Station.

4.5 Schools

Challenges
Information on the Scituate Public School District indicates relatively flat enrollment figures at 3,139 students in 2000 and 3,122 in 2014. Also, as noted in Section 3.1.2, demographic projections point to an overall decline in school enrollments over the next several decades.

However, concerns about school capacity persist. The aging school buildings are considered inadequate for today's educational programs, including technology, sciences and other school functions. The Town and School Committee have approved funding for a new middle school, to be located at the High School. This process involved application to the Massachusetts School Building Administration (MSBA) and the assessment of several alternatives.

Mitigation Measures
This Housing Plan recognizes the need for a wider range of affordable housing options in Scituate, including first-time homebuyer opportunities for young families. However, the Plan also suggests exploring options for covering some of the added municipal costs associated with new students, including 40R and 40S (see Section 6.2.8).

4.6 Availability of Subsidies

Challenges
Financial resources to subsidize affordable housing preservation and production as well as rental assistance have suffered budget cuts over the years making funding more limited and extremely competitive. Communities are finding it increasingly difficult to secure necessary funding and must be creative in determining how to finance projects and tenacious in securing these resources.

In 2002 Scituate approved the creation of a Community Preservation Fund with funding support from the state for open space preservation, historic preservation and affordable housing production. The Town adopted a 3% surcharge on property taxes with exemptions for low-income owners and the first $100,000 of the property's assessed value. Funding from both the local revenue and state distribution totaled $1,318,866 in 2004 and increased to $1,781,529 in 2008. Since adoption of the CPC, $1,550,644 has been allocated for use for housing. These funds include $1,400,000 which was transferred to the Affordable Housing Trust. At least 10% of CPA funds must be directed to affordable housing activities. This funding will be helpful in leveraging additional public and private technical and financial resources will be required to meet production goals. As of 3/9/2015, the balance in the CPA community housing reserve account was $553,909.50.

Mitigation Measures
This Housing Plan provides guidance on the use of Community Preservation Funds for affordable housing initiatives that will enable the Town to support the production of new affordable units and leverage other public and private funding sources. The Town voted to transfer $700,000 of its CPA funding to the Scituate Affordable Housing Trust Fund in FY2008 and another $700,000 in FY2009. About $600,000 of this was spent on the purchase of 11 Nelson Rd. and 20 Carrie Litchfield Lane, together with the legal work, marketing and lottery needed to prepare the properties for affordable ownership and inclusion on the Subsidized Housing Inventory. These expenditures were offset by the receipt of $188,500 from the sale of 20 Carrie Litchfield La. The Plan also suggests that the Town hire a housing consultant that can commit time to grant writing and support for development proposals (see Section 6.1.2).

4.7 Community Perceptions

Challenges
In most communities, residents are concerned about the impacts that new development has on local services and the quality of life. They may also have negative impressions of affordable housing and question whether there is a real need for such development in their town. Therefore, local opposition to new affordable units is more the norm than the exception. On the other hand, given high real estate prices and community education, more people are recognizing that the new kindergarten teacher, their grown children, or even their elderly neighbor may not be able to afford to live or remain in the community without some financial or technical assistance.

It is this growing awareness, impending 40B developments, and some appreciation that affordable housing can be well designed and integrated into the community, which are spurring communities such

as Scituate to take a more proactive stance in support of affordable housing initiatives. Also, once residents understand that the Town may be able to reserve up to 70% of the affordable units in any new development for those who live or work in Scituate, referred to as "local preference" units, greater local support may be more forthcoming.[44]

Mitigation Measures

Scituate proposes launching an ongoing educational campaign to better inform local leaders and residents on the issue of affordable housing to help dispel negative stereotypes, provide up-to-date information on new opportunities and to garner political support (see details on this strategy in Section 6.1.1). It will be important to continue to be sensitive to community concerns and provide opportunities for residents to not only obtain accurate information on housing issues, whether they relate to zoning or new development, but have opportunities for real input.

[44] A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines. Also, the Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as insure that there will be no discriminatory impacts as a result of using local preference criteria.

5. HOUSING PRODUCTION GOALS

The Massachusetts Department of Housing and Community Development (DHCD) administers the Housing Production Program under Massachusetts General Law Chapter 40B, 760 CMR 56.00 that enables cities and towns to adopt an affordable housing plan that demonstrates production of .50% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory. Scituate would have to produce at least 36 affordable units annually to meet these production goals.[45] If the state certifies that the locality has complied with its annual production goal, the Town may be able, through its Zoning Board of Appeals, to deny comprehensive permit applications for a period of a year. If it produced 72 affordable units in any one year it would be "certified" for two years.[46]

Using the strategies summarized in Section 6, the Town of Scituate has developed a Housing Production Program to chart affordable housing production activity over the next five (5) years as required by the state. The projected goals are best guesses at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. The goals are based largely on the following criteria:

- Given the limited supply of Town-owned land, most affordable housing activity will have to come from private development through the standard regulatory process or the "friendly" comprehensive permit process. The Town will continue to work with private developers to fine-tune proposals to maximize their responsiveness to community interests.
- On publicly-owned parcels, to the greatest extent possible, at least fifty percent (50%) of the units should be affordable to households earning at or below 80% of area median income. Rental projects will target some households earning at or below 60% of area median income and lower depending upon subsidy program requirements.
- Projections are based on no fewer than four (4) units per acre when they are located in areas without available Town sewer services and up to eight (8) units per acre where such services are available. However, given specific site conditions and financial feasibility it may be appropriate to decrease or increase density as long as projects are in compliance with state Title V and wetlands regulations.
- Because housing strategies include some development on privately owned parcels, production will involve projects sponsored by private developers. The projections involve a mix of rental and ownership opportunities. The Town will work with private developers to promote a diversity of housing types directed to different populations with varying housing needs including

[45] When 2020 census figures are released the number of year-round housing units will change. Year-round units are defined as total housing units minus seasonal or occasional units.

[46] If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

families, seniors and other individuals with special needs to offer a wider range of housing options for residents.

The final determination of the use of existing publicly owned parcels for new affordable housing is subject to a more thorough feasibility analysis of site conditions, and in the case of municipally-owned property, Town Meeting approval. If any of the preliminarily identified existing publicly-owned properties are finally determined infeasible or do not obtain approval from Town Meeting, it is anticipated that the projected numbers of affordable units would be met through the acquisition of privately owned properties or private development.

If Scituate was to meet all of these production goals, it would still not likely surpass the Chapter 40B 10% housing goal within five years given an existing gap of 406 affordable units. Moreover, these goals are ambitious, and it is unlikely that the Town will achieve certification every year.

Table 5-1: Scituate Housing Production Program*

Strategies by Year	Affordable Units	Market Units	Total # Units
Year 1 – 2015			
Private dev. Greenbush Station – Village Business Overlay District bylaw/rental	4	26	30
Development of publicly-owned property – Stockbridge Rd. or other Town-owned site/ homeownership	3	0	3
Private development – 40B/homeownership	50	150	200
Subtotal	*57*	*176*	*233*
Year 2 – 2016			
Development of publicly-owned property – Land behind Town Library or Central Park site (owned by Town) – senior rental housing	30	0	30
Private dev. of former MBTA Parcel Development – 40R/rental	15	60	75
Conversion of existing housing -- ownership	2	0	2
Subtotal	*47*	*60*	*107*
Year 3 – 2017			
Development of publicly-owned property (SHA)– Driftway/rental	30	0	30
Private development on nonconforming lots/condo Duplexes assuming necessary zoning changes	4	4	8
Infill development – new duplex development bylaw/starter homeownership assuming necessary zoning changes	4	4	8
Conversion of existing housing -- ownership	2	0	2
Subtotal	*40*	*8*	*48*
Year 4 – 2018			
Private development – 40R in Greenbush Development of publicly-owned property --expansion Wheeler, Central or Lincoln Park/multi-family rental	40	0	40
Conversion of existing housing/ownership	2	0	2
Infill development/group home	6	0	6
Private development on nonconforming lots/duplexes	2	2	4
Subtotal	*50*	*2*	*52*
Year 5 – 2019			
Development of publicly–owned property – scattered tax-foreclosed property/duplexes combining ownership and rental	10	0	10
Private development – cottage/ownership	8	16	24
Private development – "friendly" 40B/rental	20*	0	20
Private development – inclusionary zoning/ Homeownership	3	17	20
Private mixed-use development/ – Village Business Overlay District bylaw or 40R/rental	5	25	30
Private development – Apartment Overlay District/rental	8	32	40
Conversion of existing housing/ownership	2	2	4
Subtotal	*56*	*92*	*148*

TOTAL	250	338	588

* All units count in Chapter 40B rental developments.

6. HOUSING STRATEGIES

This Housing Production Plan proposes a mix of strategies that will boost the Town of Scituate's supply of affordable housing and meet priority local needs. It will be important to make efforts to accommodate the wide range of these needs, offering a mix of housing types and mixed-income opportunities. Ultimately both rental and homeownership housing should be developed for seniors, young adults, young families, empty nesters, and special needs populations. It will also be important to reach those within various income categories who are unable to find housing that is affordable in the community including those earning at or below 60% of area median income (AMI) needing rental housing and those within 80% of median income who want to rent or afford their first home. Also, Community Preservation funding can be used to support housing for those earning at or below 100% of area median income, however units directed to those earning above 80% AMI cannot be counted towards annual production goals or the SHI. Moreover, the integration of market rate units in any development will offer internal subsidies to help support the financial feasibility of the below market units and reduce any stigma that might be attached to an affordable housing development.

These proposed actions are presented with an understanding that a broadened affordable housing agenda will place further burdens on local services and that there are currently many competing municipal needs and limited resources, including land. However, there are also resources that the Town can draw upon to support affordable housing including some existing publicly owned property, the Community Preservation and Housing Trust Funds, and subsidies from the state and federal governments. Appendix 3 has a summary of housing resources and regulations.

The strategies outlined below are based on previous plans, the 2008 Housing Production Plan in particular, as well as other plans, reports, studies, a local housing survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning and Regulatory Reform, and Housing Development – and prioritized. As such the Plan starts with organizational issues, moves to regulation, and then identifies key production strategies to guide new development. Priority 1 actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority 2 strategies involve focused attention after the next couple of years. A summary of these housing actions is included as Table 1-2.

The strategies also comply with state Housing Production requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:[47]

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
    - Allow residential development under more conditions (see strategy 6.2.3)
    - Explore use of 40R/40S (see strategy 6.2.8)

- *Identification of specific sties for which the municipality will encourage the filing of comprehensive permit projects;*

[47] Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

    - Make suitable publicly-owned land available for affordable housing (strategy 6.3.1 which will likely rely on comprehensive permits for development)
    - See "friendly" 40B projects in production goals.

- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
    - Adopt inclusionary zoning (see strategy 6.2.1)
    - Adopt Affordable Housing Guidelines (see strategy 6.2.2)
    - Promote accessory apartments (see strategy 6.2.4)
    - Allow residential development under more conditions (see strategy 6.2.3)
    - Allow starter housing on nonconforming lots (see strategy 6.2.5)
    - Explore use of 40R/40S (see strategy 6.2.8)
    - Convert existing housing to affordability (see strategy 6.3.3)
    - Support private development in line with local guidelines (see strategy 6.3.2)

- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
    - Make suitable public land available for affordable housing (see strategy 6.3.1)

- *Participation in regional collaborations addressing housing development*
    - Access new resources such as homebuyer counseling, other homebuyer services, and other regional programs and services (see strategy 6.1.3)
    - Help qualifying homeowners access housing assistance (see strategy 6.1.1)

It will be important to also insure that affordable units produced through this Plan get counted, to the greatest extent possible, as part of the Subsidized Housing Inventory (SHI), applied through the Local Initiative Program (LIP) administered by the state's Department of Housing and Community Development (DHCD) if another state or federal housing subsidy is not used. In addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are being developed through some local action including:

- Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing;
- Substantial financial assistance from funds raised, appropriated or administered by the city or town; or
- Provision of land or buildings that are owned or acquired by the city or town and conveyed at a substantial discount from their fair market value.

In order to be counted as part of the Subsidized Housing Inventory the units must meet the following criteria:

- A result of municipal action or approval;
- Sold or rented based on procedures articulated in an affirmative fair marketing and lottery plan approved by DHCD;
- Sales prices and rents must be affordable to households earning at or below 80% of area median income; and
- Long-term affordability is enforced through affordability restrictions, approved by DHCD.

Additionally, a Subsidized Housing Inventory New Units Request Form must be submitted to DHCD to insure that these units get counted.

Some of the important tasks for insuring that the affordable units, now referred to as Local Action Units (LAU's), meet the requirements of Chapter 40B/LIP include:

- Meet with the developer to discuss requirements for insuring that the unit(s) meets the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Contact DHCD to discuss the project.
- Determine the purchase price(s) or rent(s) based on LIP Guidelines.
- Identify a marketing agent to conduct outreach and the lottery.
- Prepare an Affirmative Fair Housing Marketing Plan.
- Execute a regulatory agreement to further insure long-term affordability between the developer, municipality and DHCD.
- Prepare a LIP Local Action Units application submitted by the municipality (chief elected official).
- Implement the Marketing Plan.
- Hold at least one information session about the lottery.
- Approve applicants for eligibility in the lottery.
- Prepare a letter to those eligible for inclusion in the lottery and another to those who do not qualify.
- Conduct the lottery.[48]
- Obtain the deed rider and Resale Price Certificate from DHCD that requires the loan commitment letters, purchase and sale agreements, and contact info for the closing attorneys in the case of ownership developments.
- Work with winning applicants and lenders to move towards occupancy.
- Submit necessary documentation to DHCD to have the unit(s) counted as part of the Subsidized Housing Inventory.

The proposed housing consultant (see strategy 6.1.2), a designated municipal employee, the Housing Authority or a consultant should be identified to coordinate this work. The affordability restrictions for all units produced through the Local Initiative Program will be monitored by DHCD, but it is the premise of LIP that the municipality and DHCD work together to create affordable housing and fulfill the obligations of the affordability restrictions.

It should be noted however, that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of

[48] A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines. Also, the Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as insure that there will be no discriminatory impacts as a result of using local preference criteria.

accessory apartments or even workforce housing for those earning above 80% of area median income but still priced out of the private housing market).

Within the context of these compliance issues, local needs, existing resources, affordability requirements, and the goals listed in Section 2 of this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the Town to consider, prioritize, and process, each through the appropriate regulatory channels.*

6.1 Capacity Building Strategies

In order to carry out the strategies included in this Housing Production Plan and meet production goals, it will be important for the Town of Scituate to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production.

Scituate is fortunate to have a number of local entities in place, which have provided important leadership in the area of affordable housing. These include the following:

First, the Town of Scituate approved a *Municipal Affordable Housing Trust* at its spring 2008 Town Meeting. State enabling legislation was enacted on June 7, 2005, as the Municipal Affordable Housing Trust Fund Act, which simplified the process of establishing such funds. Previously, cities could create trusts through their own resolution, but towns had to get approval from the state legislature through a home rule petition. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Board of Selectmen, in the case of towns. While the new trusts must be in compliance with Chapter 30B, the law which governs public procurement as well as public bidding and construction laws, most trusts opt to dispose of property through a sale or long-term lease to a developer so as to clearly differentiate any affordable housing development project from a public construction one. The Housing Trust will need to work closely with the Planning Board and other relevant local entities on local affordable housing initiatives, providing a vehicle for funding predevelopment and development activities and for conveying Town-owned land for eventual development by a selected developer.

At the same Town Meeting, the Town approved the transfer of $990,000 that had been reserved for housing in its Community Preservation Fund to the new Housing Trust Fund. Thus far the Housing Trust has purchased, rehabbed, and resold two (2) homeownership units, converting existing housing to long-term affordability. One unit has been included on the Subsidized Housing Inventory. The Housing Trust fund has a current balance of $989,000.

In addition to CPA funds, the Town will want to identify other resources for capitalizing the Trust Fund to support local housing initiatives. Many communities are reaching out to residents for private donations of land or funds to promote housing affordability. Such contributions and the “bargain sale” of real estate should become a part of the Scituate land ethic, but donations need to be promoted, nurtured, and facilitated. Inclusionary zoning (see strategy 6.2.1), if passed, may also provide cash resources for a wider range of possible developments that can help capitalize the Housing Trust Fund if the developer decides to pay cash in lieu of constructing actual affordable units. Developers may also contribute to the

Fund through negotiations on comprehensive permit projects or other local developments. Developers make additional contributions to these funds if the purchase prices for the market units are higher than the prices that were projected in their comprehensive permit applications and profits are more than the 20% allowed under Chapter 40B.

The *Scituate Housing Authority* is also an important component of Scituate's housing operations. The Authority owns and manages 209 units of housing for seniors and those who are disabled and under 60 years of age, representing two-thirds of all state-defined affordable units in town. The Housing Authority also owns some property on the Driftway that it hopes to develop as affordable housing, an important component of this Housing Plan. The potential redevelopment of SHA's existing single-story developments to accommodate more units also bears exploration.

The *Planning Board* paid for and prepared the 2008 Housing Needs Assessment and with CPA funding spearheaded the development of the 2008 Housing Production Plan. With professional support from its Town Planner, the Board continues to make progress in better planning, promoting and directing affordable housing to smarter locations. The Planning Board's continued involvement in the issue of affordable housing is an essential part of this Housing Plan, particularly the strategies included under Section 6.2 – Planning and Regulatory Reforms.

Scituate's *Community Preservation Committee* also provides important funding to support housing initiatives, and the Town's *Zoning Board of Appeals* is also key to local housing efforts as it is responsible for processing Chapter 40B comprehensive permit applications.

More information on local and regional housing organizations is provided in Appendix 1.

Specific actions to help build local capacity to meet local housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda that ultimately will result in new units.

6.1.1 Conduct Ongoing Community Education

Current Status: While most residents are likely aware of Scituate's rebounding housing market and some are encountering difficulties affording housing in Scituate, it is likely that many residents hold onto negative stereotypes of what affordable housing is and how it might change the character of their community. Some even claim that the very term "affordable housing" is tainted with negative connotations. Given these perceptions and misinformation on the subject, it is important for the Town to work on building an active constituency for affordable housing in support of important local initiatives.

On February 12, 2015, the Scituate Planning Board and members of the Affordable Housing Trust sponsored a meeting to discuss the results of the updated Housing Needs Assessment and the draft housing goals and strategies, inviting the public to participate. This meeting also offered another opportunity to showcase the issue of affordable housing in a light that demonstrates how the Town can be proactive on the issue to better serve the wide range of local needs and guide new development. An additional meeting was held on February 17th with the Board of Selectmen to also obtain important input and as an additional opportunity for civic engagement on affordable housing in general and the Housing Plan in particular.

Additional opportunities to engage local leaders and community residents in discussions on affordable housing and to highlight information on the issue are needed to continue to dispel myths and help galvanize local support, political and financial, for new affordable housing production. In fact, most communities lack an effective mechanism for promoting regular communication between relevant Town boards and committees on issues related to affordable housing. It is useful for each locality to determine how it might more effectively communicate on this issue to insure that local leaders remain apprised of housing activities and have an opportunity for input. Some communities have attempted to promote and formalize this communication. For example, the Town of Holliston gathered representatives from various Town boards and committees interested and involved in housing issues to provide updates on housing developments and related issues from each entity and to obtain important feedback.

It can also be helpful to open these meetings to the public to continue to foster greater community understanding and participation in the area of affordable housing. The Town of Truro held a housing summit on a Saturday and after presenting its report on local housing initiatives, invited a panel of housing experts and representatives from other communities to make presentations on housing issues and best practices on Cape Cod. Yarmouth organizes Affordable Housing Summits, one of which included a spaghetti dinner to update the community on what the Town was doing with respect to implementing its Housing Plan and to get local input. These outreach efforts are mutually beneficial as they provide useful information to community residents and important feedback to local leaders on local concerns and suggestions.

Community outreach also provides an avenue to provide important information to residents on the availability of various programs and services that are provided locally, in the region and state-wide.

Next Steps: The Board of Selectmen should consider formalizing an Annual Housing Summit or Forum to include an annual report from the Housing Trust, Planning Board, Zoning Board of Appeals, Scituate Housing Authority, and other appropriate Town boards and committees on housing issues and progress towards implementing this Housing Plan. The Town Planner, and eventually the proposed Housing consultant or a consultant, could provide the necessary staffing to organize the event. This meeting also presents an excellent opportunity to engage interested residents in the issue of affordable housing, offering them a progress report and forum for providing input.

Additional community outreach to various local groups (e.g., churches, PTA's, women's clubs, fraternal organizations, realtors, hospitality organizations, Council on Aging, etc.) can occur through speakers or information meetings, and a newsletter or some progress report can be periodically prepared for general distribution. Additionally, written materials that describe available housing-related programs and services, including existing bylaws, might be useful to better inform local residents on available local and regional resources related to affordable housing and also highlight existing zoning bylaws that offer incentives for producing affordable housing under prescribed conditions and in appropriate, "smarter" locations. The Housing Trust should oversee the preparation of an affordable housing resource brochure, also working with the Housing Authority and Council on Aging, and the Planning Board should coordinate the development of the zoning brochure. Additional information in the Town's website and cable access channel coverage of key housing meetings should also be integrated into community outreach efforts.

It will also be important to plan for ample community input when specific affordable housing initiatives are proposed that require local approvals. The transparency of all local efforts to promote affordable

housing is important to not only provide important information on these projects but to also establish credibility with residents over time. These public meetings can help build community interest, improve communication and garner support.

Timeframe: Priority 1

Responsible Parties: Scituate Affordable Housing Trust and Planning Board

Resources Required: The donated time of volunteers as well as staff time from the Town Planner, proposed Housing consultant, other designated municipal official or a consultant to prepare written materials and staff outreach events.

6.1.2 Secure Professional Support

Current Status: If the Town of Scituate wants to assume a more proactive role in promoting affordable housing and effectively implement actions included in this Housing Production Plan, it will have to augment its capacity to coordinate these activities. While most of the strategies that are included in this Plan do not individually involve substantial amounts of staff time or donated time from board and committee members, when considered altogether they require a significant time commitment and involve some specialized expertise in planning as well as housing programs, policy and development. Moreover, those communities that have made notable progress in implementing their Housing Plans have largely done so with professional support.

Various municipalities have handled this need for professional support differently. For example, the neighboring Town of Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person and then split this position between two consultants. The Town of Grafton has an Assistant Planner on board to assume many of these housing-related functions. Bedford has a consultant working part-time on overseeing its housing activities and at one time shared this consultant with the Town of Lincoln. Belmont is working with a non-profit development organization located in a nearby community to support its housing activities. Yarmouth has recently hired a part-time consultant to provide needed support. Communities such as Chatham rely heavily on its effective Housing Authority for program support related to affordable housing, and Needham recently hired a part-time staff person. Most of these communities are accessing CPA funding to support these positions.

Next Steps: The Affordable Housing Trust should present a proposal to the Community Preservation Committee for the funding of a housing consultant using Community Preservation funding and under Chapter 30B procurement requirements. This consultant could be hired at least initially on a part-time basis based on an agreed upon scope of services. This housing professional would be available to assist with public education (see Section 6.1.1); grant writing; outreach to establish partnerships with developers, lenders, funders, etc. to promote affordable housing; and overall coordination of the implementation of this Housing Plan, providing necessary professional support as needed.

It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, etc.

Timeframe: Priority 1

Responsible Parties: Board of Selectmen in consultation with the Affordable Housing Trust, Planning Board and Community Preservation Committee.

Resources Required: Fees for the Housing consultant will vary according to the scope of services although initially the Town might set-aside funding in the $10,000 to $20,000 range, covered by Community Preservation funds as long as all program activities are eligible under CPA.

6.1.3 Access Housing Resources

Current Status: The affordability of most housing development projects relies on multiple sources of financing involving both private and public loans and grants. Even Chapter 40B comprehensive permit projects rely on what is referred to as "internal" subsidies where the market rate units support the costs of the affordable ones in tandem with some increased density. It will be important for the Town to encourage the establishment of partnerships with other interested parties including non-profit organizations, lenders, public agencies, and developers to secure the necessary financial and technical resources to create affordable units. Future Community Preservation funding and Housing Trust Funds will also be essential ingredients for supporting the implementation of this Housing Plan in addition to various state and federal housing subsidy programs. This Plan provides recommendations on the use of CPA and Housing Trust funds in many of the proposed strategies.

Next Steps: The Town of Scituate should reach out to private, public and non-profit entities to secure additional housing resources – technical and financial – in support of its efforts to produce new affordable housing. Descriptions of local and regional organizations are included in Appendix 1. Additionally there are numerous public programs that can be helpful in supporting local housing efforts. A summary of some of these resources as well as pertinent housing regulations (e.g., Chapter 40B, Local Initiative Program, Community Preservation Act) is included in Appendix 3.

Timeframe: Priority 1

Responsible Parties: Board of Selectmen, with support from the Affordable Housing Trust, will need to work with developers to obtain important public funding, providing letters of support for subsidy applications for affordable housing projects. In the case of "friendly" 40B projects, the Town's chief elected official, Chair of the Board of Selectmen in the case of Scituate, will in fact be responsible for submitting the applications for participation in the Local Initiative Program administered by DHCD.

Resources Required: Funding will be needed to support affordable housing initiatives such as the predevelopment funding necessary to determine project feasibility (CPA and Housing Trust funds can cover these expenses as well as other state-funded programs) and subsidies to make projects financially feasible. CPA and Housing Trust funds are an important tool for leveraging other state and federal funds, demonstrating the municipality's commitment to any particular project. CPA and Housing Trust funding can serve as important "gap fillers" by filling the gap between the total costs of development and what a development can project as income from the affordable purchase prices and rents.

6.1.4 Create an Inventory of Properties Potentially Suitable for Affordable Housing

Current Status: This Housing Plan includes a preliminary list of potential public sites that may be suitable for the development of housing, including some amount of affordable housing in strategy 6.3.1. A more comprehensive review of existing properties would be helpful to determine future opportunities to create affordable housing in Scituate and help meet the production goals included in this Housing Plan.

Next Steps: The Affordable Housing Trust should work with other Town boards and committees, such as the Planning Board and Open Space Committee, to more fully review the inventory of Town-owned property and determine which parcels, if any, might be appropriate for affordable housing or a mix of uses with affordable housing integrated into another municipal use or open space preservation. After some initial environmental testing and other preliminary feasibility analyses (the costs of which can be covered by CPA or Housing Trust funds), the Town would declare any identified parcels as surplus and convey them to the Housing Trust following Town Meeting approval. The Trust would then follow the basic process outlined in strategy 6.3.1, eventually conveying individual parcels to a developer based on prescribed terms and conditions for the development of affordable housing or mixed-income housing. The Housing Trust should also consider what privately held properties might be suitable for affordable housing and work with existing owners to develop or acquire[49]. Opportunities for acquiring additional property through the tax foreclosure process should not be overlooked as well.

Timeframe: Priority 1

Responsible Party: Affordable Housing Trust

Financial Resources Required: Staff time of the Town Planner, proposed Housing consultant, or another municipal official to provide support.

6.1.5 Encourage Training for Board and Committee Members

Current Status: Members of the Affordable Housing Trust, Zoning Board of Appeals, Planning Board and other interested local leaders should receive training on affordable housing issues including regulatory opportunities and comprehensive permits as they relate to low- and moderate-income housing as defined by Chapter 40B. Well advised and prepared board and committee members are likely to conduct Town business in a more effective and efficient manner. New members, without significant housing experience, would benefit substantially from some training and orientation regarding their responsibilities. Funding for the professional development of staff, including the Town Planner and proposed Housing consultant, would also help keep key professionals better informed and up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes on this subject periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership sponsors the Massachusetts Housing Institute, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices".[50] This training is held over a two-day period, at least once a year. Other organizations and agencies such as DHCD, MHP, CHAPA, and the Community Preservation Coalition also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural "how to" booklet for local communities on the development process, the state's Executive Office of

[49] Acquisition could occur directly through the proposed Housing Trust or in collaboration with a developer.

[50] Massachusetts Housing Partnership, Massachusetts Housing Institute agenda for June 14-15, 2007 Conference.

Environmental and Energy Affairs has a compendium of model zoning bylaws on their website, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

Next Steps: The Town's Board of Selectmen should encourage members of appropriate committees – the ZBA, Planning Board, and Housing Trust in particular – to attend statewide and regional training sessions on housing-related issues. The Town should earmark funds from its CPA or Housing Trust budgets to support the fees for such conferences and training. This training should also be accessed on an ongoing basis as members of these boards and committees turn over.

Timeframe: Priority 1

Responsible Parties: Board of Selectmen, Affordable Housing Trust and Community Preservation Committee

Resources Required: Information on available training should be tracked and made available and attendance fees paid through the Community Preservation Fund when required, the costs potentially ranging from $2,000 to $4,000 annually.

6.2 Planning and Regulatory Strategies

Housing production is contingent not only on actual development projects but on the planning and regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, some greater flexibility will be needed in the Town's Zoning Bylaw, and new provisions, in tandem with good planning practices, will be required to capture more affordable units, direct growth to the most appropriate locations, and expeditiously move development forward to completion.

Scituate's Zoning Bylaw includes minimum area and dimensional requirements that in most cases are typically not conducive to affordable housing. This creates the likely need for regulatory relief for many residential developments that include affordable units, possibly through the "friendly" comprehensive permit process that overrides local zoning. Zoning reforms will be required to better promote and guide new residential development that includes affordable housing.

The Town of Scituate will consider the following planning, regulatory and zoning-related strategies to encourage the creation of additional affordable units. These actions can be considered as tools in a toolbox that the Town will have available to promote new housing opportunities, each applied to particular circumstances. Also, note that units that are created as a result of these actions are counted as part of actual housing development strategies in Section 6.3.

6.2.1 Adopt Inclusionary Zoning

Current Status: Scituate's Zoning Bylaw does not currently include town-wide inclusionary zoning provisions. This mechanism has been adopted by more than one-third of the communities in the state to insure that any new development project over a certain size includes a set-aside in numbers of affordable units or funding from the developer to support the creation of affordable housing. Most of the bylaws include mandated percentages of units that must be affordable, typically 10% to 20% and

density bonuses[51]. Many also allow development of affordable units off-site and/or cash in lieu of actual units.

It should be noted that Scituate's Zoning Bylaw has some targeted inclusionary provisions, particularly the Village Business Overlay District, that is resulting in a number of affordable units through a couple of recent projects. However, such requirements are limited in the bylaw and the town-wide extension of requirements would insure that projects such as the proposed Toll Bros.' Seaside at Scituate development will help diversify the housing stock and include affordability.

Next Steps: The Scituate Planning Board should explore models of inclusionary zoning bylaws and prepare a zoning amendment that is best suited to support affordable housing in Scituate. The Planning Board must present the bylaw to Town Meeting for adoption. The Housing Trust can be helpful in reviewing other bylaws and advocating for necessary approvals.

As mentioned in the introduction to Section 6 above, it will be important to insure that all affordable units produced through the bylaw get counted as part of the Subsidized Housing Inventory, applied through the Local Initiative Program (LIP) administered by DHCD as Local Action Units.

There are a variety of bylaws that have been adopted in localities throughout the state and requirements vary considerably. The Executive Office of Environment and Energy's Smart Growth Toolkit includes a model inclusionary zoning bylaw that highlights key local decisions and makes some commentary for consideration throughout (www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws.html). The Citizen Planner Training Collaborative's website also has a model bylaw with commentary and some policies as well (www.umass.edu/masscptc/examplebylaws.html).

It is certainly important to provide sufficient incentives to developers to make sure that the incorporation of affordable units will be financially feasible. Incentives also reduce the risk of litigation from developers who claim that the mandatory inclusion of affordable units involves a "taking" of their property rights. In fact inclusionary zoning can be legally vulnerable if requirements make it impossible for the developer to earn a reasonable return on the project as a whole. Consequently, it would be prudent for the Town of Scituate to add incentives, such as density bonuses, to cover these legal questions and insure that the zoning works economically.

It may be prudent to obtain the services of a consultant to recommend appropriate language to a zoning amendment based on local needs, market conditions and concerns. Funding for a consultant might be obtained through the state's Planning Assistance Toward Housing (PATH) Program.

Timeframe: Priority 1

Responsible Parties: Planning Board with support from the Housing Trust

Resources Required: One of the benefits of this strategy is that it requires very little local investment to implement but must have a local structure in place to insure that all affordable units meet state requirements under the Local Initiative Program. This support would be necessary for any LIP Local

[51] Density bonuses allow increased densities beyond what is allowed under the subdivision requirements in the Zoning Bylaw.

Action Units anyway and could come from the proposed housing consultant (see Section 6.1.2 for details), another designated municipal employee, or a qualified non-profit organization.

6.2.2 Adopt Affordable Housing Guidelines – Promoting More Responsive Private Development

Current Status: "Affordable Housing Guidelines" should be considered by the Town of Scituate as a helpful tool for promoting greater cooperation between the Town and private for profit and non-profit developers on affordable housing production while protecting the Town from inappropriate development.

This Housing Plan incorporates production goals that identify development opportunities leading to the production of at least .50% of the year-round housing stock per year of at least 36 units, but requires private initiative and investment for full implementation. To this end the Housing Trust and Planning Board should consider affecting the types of housing proposals submitted through the creation of reasonable Affordable Housing Guidelines that provide guidance on projects that will be acceptable to the community and therefore will more likely avoid prolonged and often litigious battles.

Affordable Housing Guidelines provide an aid to both non-profit and for profit housing developers to help them plan for residential development that will be in line with what the community seeks in affordable housing related to scale, siting, density, levels of affordability, location, design, etc. Through such Guidelines the developer "wins" because there is greater predictability in what the Town is willing to approve, and the Town "wins" because it gets new affordable units that meet locally established development criteria that help address local needs and production goals. These Guidelines will contribute to a more open environment where developers who adopt these development criteria can approach the Town with the expectation that they will likely be able to pursue their project through a "friendly" Chapter 40B process or normal regulatory channels, working with instead of against the Town on housing creation strategies.

Next Steps: The Planning Board, working in coordination with the Housing Trust and Zoning Board of Appeals, should draft Affordable Housing Guidelines and share them with the Board of Selectmen, Housing Authority, Conservation Commission, Board of Health, and other interested boards and committees for their review and comment. The Guidelines can then be finalized as local policy and made public.

There are a number of good models of such Guidelines. For example, the Town of Needham recently approved Local Chapter 40B Guidelines, which can be reviewed and adapted to Scituate.

Timeframe: Priority 1

Responsible Parties: The Planning Board in coordination with the Housing Trust and Zoning Board of Appeals.

Resources Required: This strategy is also likely to require some technical support from the Town Planner, proposed housing consultant or the donated time of local officials and various Town boards and committees.

6.2.3 Allow Residential Development under More Conditions

Current Status: The current Bylaw allows the construction of alternatives to large lot, single-family houses under limited conditions. These conditions should be broadened to diversify housing options, including more types of housing in more areas, accompanied by design guidelines. One of the attractive aspects of Scituate has been its eclectic mix of people and housing in some areas. New housing development has almost exclusively been directed to luxury housing, typically barring access to none but the most affluent and leaving those who are even earning at median income virtually shutout of the private housing market. While market conditions have softened somewhat, housing prices remain high and are rising.

Allowing a wider range of housing types will result in public benefits associated with broader private development options and more opportunities for affordable units. Proposed changes to the current bylaw include the following:

- Create an Overlay District with incentives to allow the development of "cottage housing", a popular development style on the West Coast that features small, single-family cottages clustered on a single lot around a small common green. Such development might also accommodate several income tiers including affordable, workforce (for those earning above 80% of area median income but within 100% or 120% of area median), and market units.

- Create an Overlay District where eight (8) units per acre would be allowed with Site Plan Review, requiring that at least 20% of the units would be affordable and eligible for counting as part of the Subsidized Housing Inventory. This could accommodate apartments in three- to five-unit buildings and single-family homes on small lots. There may be appropriate locations for this district on the outskirts of the village centers or along Route 3A.

- Allow waivers of road length, road width, and/or radius of the entrance road or road layout on any subdivision where the following are provided: 20% or more affordable housing, the inclusion of sidewalks on an accepted public street (minimum length to be determined), or 80,000 square feet or more of permanently protected upland open space.

- Allow artist work/studio space and assisted living developments by Site Plan Administrative Review with at least a 15% affordability requirement for either one (allowed density to be determined). The former could be pursued on Town-owned property such as the existing house on the Ellis Estate.

- Reduce the minimum lot size required for small multi-family units, such as two-family homes and duplexes, in the R-1, R-2 and Business Zoning Districts based on design and affordability guidelines (one of the units would have to be affordable and eligible for inclusion in the Subsidized Housing Inventory), and three-family dwellings in the business zones.

- Consider revising the Planned Development District, Residential Cluster District, Open Space Preservation Development, Flexible Open Space Development and Residential

Compound Development to insert more incentives, such as density bonuses, for the inclusion of affordable units that will be eligible for inclusion in the Subsidized Housing Inventory and allow small multi-family dwelling types.

All of these types of development must comply with parking requirements except where transit is available per the parking standards of the Village Business Overlay District. Also, all affordable units must meet state requirements under the Local Initiative Program (LIP) and be eligible for inclusion in the Subsidized Housing Inventory.

Next Steps: The Town Planner should work with the Planning Board to prepare zoning amendments on these proposed zoning provisions, reviewing model bylaws where available, and promote their approval.

Timeframe: Priority 2

Responsible Parties: Planning Board with support from the Housing Trust

Resources Required: This strategy requires zoning amendments that will need to be overseen by the Planning Board and drafted by the Town Planner or a consultant.

6.2.4 Make Accessory Apartment Bylaw More User-friendly

Current Status: The current Zoning Bylaw states that the purpose of the Accessory Dwelling bylaw is:

- To provide an opportunity for homeowners who can no longer physically or financially maintain their single-family home to remain in homes they might otherwise be forced to leave;
- To make housing units available to moderate income households and to employees of local businesses who might otherwise have difficulty finding homes within the town;
- To provide a variety of types of housing to meet the needs of its residents and workers;
- To protect stability, property values and the character of the single-family residential neighborhood and the vitality of business districts; and
- To legitimize conversions to enable the Town to monitor conversions for code compliance.[52]

The Planning Board may grant a special permit for an accessory apartment if it meets a number of requirements that are listed in Section 3.7 of this Housing Plan.

In 2004, the Town added an affordability component to the bylaw that included these requirements in addition to the basic accessory unit provisions mentioned above through the Site Plan Review process:

- No more than 15 affordable accessory dwellings per calendar year.
- The affordable unit must comply with the state's Local Initiative Program (LIP).
- The Scituate Housing Authority will monitor the affordability restrictions and annually certify the eligibility of the unit for inclusion in the Subsidized Housing Inventory.

[52] Town of Scituate Zoning Bylaw, Section 530.1.

- Affordability restrictions are in effect for a minimum of 15 years, but for units created in a Residential Zoning District, the use restrictions may be revocable upon sale of the primary dwelling after a minimum of five years of occupancy of the accessory unit.
- The accessory unit cannot contain more than two bedrooms.
- The primary residence must be owner-occupied as a primary residence.

The Planning Board may also grant a special permit for an affordable accessory apartment under the following conditions:

- Affordable accessory units in a detached structure on the same lot, such as a barn or garage, in the Residence R-1 and R-2 Zoning Districts.
- Affordable accessory apartments on a nonconforming lot in the Residence R-1 and R-2 Zoning Districts.
- In Business Districts, the Planning Board may allow more than three (3) affordable accessory apartments in one building or waive the requirements that first floor units be entered from a side of the building other than that facing the street, have direct access to associated parking, and be accessible to persons with disabilities.

As June 30, 2014, Scituate had approved 69 accessory apartments and of these two were deed-restricted as affordable to those earning within 80% of area median income. However, because of changes to the state's Local Initiative Program in 2008, the affordable units were no longer eligible for inclusion in the SHI. LIP now not only requires that all affordable accessory units be affirmatively marketed based on a state approved fair housing marketing plan, but the Town also needed to establish and maintain a waiting list of qualified households applying to rent the affordable accessory units, a Ready Renters List, which Scituate has not implemented, allowing owners to select their own tenants instead. *While these accessory units cannot be counted towards the Town's 10% affordability goal or production goals, they nevertheless serve an important need in Scituate for smaller relatively affordable year-round rental units.*

Some communities are pursuing an affordable accessory apartment program, largely in conformance with these requirements. Other communities have determined to put their efforts on hold, while others have decided to promote affordability outside of state requirements acknowledging that their accessory apartments, while affordable, will not be eligible for counting in the SHI.

For example, Wellfleet has an affordable accessory apartment bylaw that promotes the development of accessory units where tenants meet income requirements but owners are not required to enter into deed restrictions nor pick tenants from a Ready Renters List. Wellfleet also passed special legislation to offer tax exemptions on the portion of the property rented affordably.

Barnstable implemented a program a number of years ago that has resulted in well more than a hundred affordable accessory apartments, added to the Subsidized Housing Inventory largely before major changes in state LIP requirements. The towns of Yarmouth and Lexington have bylaws worth reviewing.

Next Steps: In order to promote new accessory units, the Town should consider amending its Zoning Bylaw as follows:

- Consider by-right provisions that might include design guidelines; and
- Extend and better define amnesty provisions of the bylaw to insure that health and safety codes are met in illegal and unpermitted accessory units.

Timeframe: Priority 2

Responsible Parties: Planning Board with support from the Housing Trust

Resources Required: Staff time of Town Planner or the proposed housing consultant to review applications for accessory dwellings for the Building Commissioner if these are provided by right.

6.2.5 Allow "Starter Housing" on Nonconforming[53] Lots

Current Status: There are parcels of vacant land that at this time cannot be developed because they do not meet the area and other dimensional requirements of the Zoning Bylaw. It is likely that at least some of these parcels could in fact be suitably developed as housing. Smaller lots would encourage the construction of smaller homes under appropriate guidelines to provide some housing options that are not currently being created by the private market - such as "starter housing" or "workforce housing" – for those unable to buy into the Scituate market.

Next Steps: The Planning Board, with input from the Affordable Housing Trust and Zoning Board of Appeals, should explore zoning options for promoting starter homes on nonconforming lots and work with the Town Planner or a consultant to prepare a zoning amendment that will enable these lots to be developed based on specific criteria or process each case as part of the Local Initiative Program (LIP).

The Town of Dennis has adopted a bylaw to allow "affordable lots" that enables nonconforming lots to be built on by special permit if they meet the following conditions:

- Contains at least 10,000 square feet and satisfies other Board of Health requirements.
- Has safe and adequate access to a public or private way.
- Is similar in size and shape to surrounding lots.
- The dwelling cannot have more than three bedrooms with a minimum of 5,000 square feet of lot area per bedroom.
- The applicable front, rear and side yard requirements are determined by establishing an average setback based on the homes adjacent to and across the street from the lot in question.
- Where two lots are in common ownership, one of the two lots must be deed restricted to insure permanent affordability and where more than two lots are held in common ownership, the second, third and fifty percent of the remaining lots to be built upon shall be deed restricted as permanently affordable (the fourth lot may be market rate, fifth affordable, sixth market rate, etc.).

In addition to the consideration of modifying this approach to suit Scituate's needs, another option might be to require that the new dwelling be no more than 1,500 square feet in size. While the Town might decide not to include an affordability requirement, this provision would nevertheless insure the production of some smaller, more affordable homes and diversify the supply of new housing in Scituate.

[53] Some municipalities refer to these properties as "nonconforming" as well.

Still another consideration might be to decrease the minimum lot requirement to 15,000 or even 10,000 square feet in the Residence R-1 and R-2 Zoning Districts for two-family homes where one of the units is affordable and eligible for counting as part of the Subsidized Housing Inventory.

A revision to the bylaw that reduces the minimum square foot lot requirement under certain conditions or in certain locations, as well as other dimensional requirements, should also be considered to allow larger developments of smaller homes on smaller lots. Such development is consistent with patterns of construction that prevailed earlier in the last century that led to the construction of housing that was more broadly affordable. When coupled with design guidelines that encourage garages behind rather than in front of houses, this smaller scale development encourages the creation of more walkable neighborhoods. And when linked to open space preservation requirements, this development reduces sprawl and protects Scituate's semi-rural character – goals consistent with affordable housing production.

Timeframe: Priority 2

Responsible Parties: Planning Board in consultation with the Zoning Board of Appeals and Housing Trust

Resources Required: This strategy requires a zoning amendment that will need to be overseen by the Planning Board and drafted by the Town Planner or a consultant.

6.2.6 Pursue Tax Title Properties

Current Status: From time to time the Town has acquired property and buildings when owners failed to pay taxes. In appropriate cases the Town can sell such property and return it to the tax rolls, but it could also make such property available for family or senior housing with affordable deed restrictions. To date, the Town has not identified tax title lands or buildings specifically for affordable housing.

Next Steps: The Board of Selectmen, with support from the Housing Trust and in coordination with the Town Treasurer, should monitor the status, availability, and suitability of tax title property. The disposal of excess properties through auction has helped balance the Town's budget in the past. A new policy could reflect that maybe half the viable properties could be reserved for affordable housing at the Board of Selectmen/TA's discretion.

If the Housing Trust identifies a property or building that is suitable for affordable housing, it should seek Town Meeting approval to designate such property for residential development including some amount of affordable housing. The Town would then select a developer via a Request for Proposals prepared by the proposed Housing consultant or a consultant, overseen by the Housing Trust working with the Planning Board (see strategy 6.3.1 for details on the development of Town-owned property). The foregone amount the Town might have received by auctioning the property would be considered the Town's commitment to subsidizing the affordable unit(s) and the result would be units that would remain part of the community's affordable housing stock in perpetuity.

Timeframe: Priority 2

Responsible Parties: Board of Selectmen with support from the Housing Trust and Town Treasurer.
Resources Required: Donated time from members of the Housing Trust as well as staff time from the Town Treasurer or other identified local official to monitor tax title property and identify opportunities.

The proposed housing consultant might be able to staff this process or another designated municipal staff person.

6.2.7 Change Permit Fee Policies for Affordable Housing

Current Status: Some communities are waiving application/permit fees for affordable housing developments, either for certain types of projects or on a case-by-case basis. All regulatory fees become part of a development budget that affects the affordability of the housing produced. The waiver of regulatory fees represents a signal to funding agencies that the Town is further invested in promoting affordable housing and is also a sign for developers that the Town is trying to make it easier to negotiate the regulatory process for affordable housing development. Moreover, the waiver of fees, while not a substantial amount of money, still helps directly support the financial feasibility of such projects.

Next Steps: The Town of Scituate should consider making fee waivers an institutionalized part of the Town's housing efforts. The Housing Trust should work with the Town Administrator, Board of Selectmen, Building Department, and other appropriate Town boards and committees to determine what types of projects would qualify for this waiver (e.g., Local Action Units, "friendly" 40B projects, non-profit developers, projects that require housing subsidy funds to be feasible, projects meeting Housing Production requirements) and the projected amount of foregone revenue that would result.

Additionally, the Town might explore several other measures to modify fee policies to better support affordable housing. For example, a small increase in permit fees, such as 5% across the board, might be dedicated to offset fee waivers for affordable housing or be directed to the Affordable Housing Trust Fund in support of affordable housing initiatives. Moreover, some consideration might be made to increasing building permit fees on large residential properties over a certain size or Floor Area Ratio (FAR) with the incremental increase in fees dedicated to the Housing Trust Fund. Another option might be to reduce water and sewer hook-up fees for affordable units that would count as eligible for inclusion in the Subsidized Housing Inventory.

Timeframe: Priority 2

Responsible Parties: Board of Selectmen with support from the Housing Trust

6.2.8 Explore Use of Chapters 40R and 40S

Current Status: The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that "the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income".[54]

The goal of 40R was to address several regional concerns at once: the need for more affordable housing, the need to avoid adding more traffic to roads and highways already choked during commuting hours, and to protect the New England landscape from additional sprawl, fostered by large-lot

[54] Edward Carman, Barry Bluestone, and Eleanor White for the Commonwealth Housing Task Force, "A Housing Strategy for Smart Growth and Economic Development: Executive Summary," October 30, 2003, p. 3.

subdivisions. The legislation was also passed in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, were forcing college graduates and young professionals to relocate to other areas of the country in search of greater affordability.

The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows "as-of-right" residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Allows mixed-use and infill development;
- Provides two types of payments to municipalities (incentive payments based on the number of projected housing units) and density bonus payments of $3,000 for each residential unit issued a building permit); and
- Encourages open space and protects historic districts.

The state also enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development. (See the Appendix 3 for more details on 40R/40S.)

Next Steps: In an effort to promote smart growth and mixed-use, mixed-income development, the Town is exploring the creation of a 40R district for the Greenbush Business Zoning District and some nearby area in the commercial Zoning District. These are areas in town that are conducive to 40R Zoning as they are in proximity to the Greenbush commuter rail station. If there is general agreement to pursue the development of this zoning further, the Town can apply for funding from the state's Planning Assistance Toward Housing (PATH) Program to secure the necessary technical assistance to implement the rezoning or use CPA or Housing Trust funds.

The Overlay Zoning Districts will require approval by the Planning Board and a two-thirds vote of Town Meeting. The formal steps involved in creating Overlay Districts are as follows:

1. The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
2. The Town applies to DHCD prior to adopting the new zoning;
3. DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
4. The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
5. The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
6. DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

Timeframe: Priority 1

Responsible Parties: Planning Board with support from the Housing Trust

Resources Required: The Town could apply to the state's PATH Program or use CPA or Housing Trust funds to implement the adoption of 40R in the Greenbush/Driftway area, or explore other alternative areas conducive to compact development, such as in or near village centers. PATH funds would be used to cover the possible hiring of a consultant. Clearly some staff time of the Town Planner would be required.

6.3 Housing Development Strategies

As emphasized in other sections of this Housing Production Plan, to meet production goals it will be essential for the Town of Scituate, through its Housing Trust, to reach out to the development community and sources of public and private financing to secure the necessary technical and financial resources to make development feasible.

While some of the units produced will likely rely on the participation of existing homeowners, most of the production will require joint ventures with developers – for profit and non-profit – to create affordable housing. Competitive Requests for Proposals (RFP's) for the selection of developers will be necessary to build on publicly owned property. For profit developers continue to express interest in developing housing in Scituate, and there are a number of non-profit organizations that have successfully completed affordable housing projects in the area and are eager to partner with the Town on new projects.

Being certified under Housing Production (meeting production goals) will put the Town in an advantageous bargaining position with developers as to project terms and conditions, as the Town will not have to accept any unwanted development proposals. Moreover, the Housing Guidelines that are proposed under strategy 6.2.2 will, if adopted, provide a helpful tool for promoting greater cooperation between the Town and private for profit and non-profit developers on affordable housing production while protecting the Town from inappropriate development.

In addition to the active participation of the development community, it will be important for Scituate to actively seek support from state and federal agencies and effectively leverage its limited Community Preservation and Housing Trust Funds. Because affordable housing is rarely developed without private financing, project developers will need to reach out to private lenders as well.

The following strategies provide the basic components for the Town to meet its housing production goals:

6.3.1 Make Suitable Publicly-Owned Property Available for Affordable Housing

Current Status: The contribution or "bargain sale" of land owned by the Town or other public entities but not essential for government purposes is a key component of production goals. The Town of Scituate does not have a substantial amount of Town-owned property remaining as 95% of such property has already been restricted or designated for specific purposes other than housing. Nevertheless, some limited opportunities exist that are owned by the Town or Scituate or the Scituate Housing Authority that may potentially be suitable for some amount of affordable housing development including 163-167 Stockbridge Road where three (3) affordable homes are proposed and Parcel 3 on the Driftway which would accommodate a larger development, for example.

This Plan also includes a strategy to prepare an inventory of potentially suitable parcels by more fully assessing the appropriateness of various Town-owned and SHA-owned properties (see strategy 6.1.4). Additional analysis is warranted for smaller infill sites or larger parcels where both open space and housing might be accommodated through cluster development. CPA or Housing Trust funding can be used to support further environmental testing and analysis.

The Town of Scituate may also decide to acquire privately owned sites over the next decade for the purposes of protecting open space and developing some amount of housing, including affordable housing. Ideally such properties would meet a number of smart growth principals such as providing higher density or clustered development to preserve open space, offering accessibility to civic and commercial areas by foot, and serving as a catalyst for or product of brownfields remediation.

Years ago the Scituate Housing Partnership, which has now been replaced by the Affordable Housing Trust,
assembled a list of undeveloped land with the thought that the Town might acquire some property with Community Preservation funding as a number of other towns have done. Additional properties for future consideration include some large houses that might be converted to apartments, potential teardowns that might be donated and then moved to another site, as well as general areas where redevelopment will be encouraged through rezoning including Scituate's villages and sections of commercial corridors.

Next Steps: The Town should conduct preliminary feasibility analyses on identified Town-owned parcels that might be suitable for affordable housing, several with are listed above, and further researched under strategy 6.1.4. If this analysis indicates that housing might likely be accommodated on Town-owned parcels,[55] the Housing Trust should request approval from the Board of Selectmen and Town Meeting to designate these identified properties for affordable housing development. The Scituate Housing Authority has already conducted some preliminary testing and feasibility analyses on its Dwiftway site.

Following the necessary approvals, the Affordable Housing Trust, the Town's Chief Procurement Officer and a housing professional (proposed housing consultant), should prepare a Request for Proposals (RFP) to solicit interest from developers based on the Town's specific project requirements and select a developer based on identified criteria included in the RFP. Projects may require densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw, and the selected developer may be able to obtain this relief through normal channels or use the "friendly" comprehensive permit process through DHCD's Local Initiative Program (LIP). Additionally, the Housing Trust will need to support the selected developer in advocating for the necessary financial, technical and political support.

Scituate should undertake the following process when planning for the development of Town-owned land:

- *Conduct preliminary feasibility analysis on potential development sites.*
  The first responsibility for this action, besides the identification of the site(s) by the Housing Trust and Planning Board, will be Town staff or representatives from other boards and committees who are capable of providing initial technical input as to possible development

[55] Parcels that are owned by the Scituate Housing Authority do not require local approval by the Board of Selectmen or Town Meeting for disposition to a developer but must be review and approved by DHCD.

constraints. Additionally, the Town might explore technical assistance funding from CPA, the Housing Trust Fund, the state's Planning Assistance Toward Housing (PATH) Program, or other program to hire a consultant(s) to conduct the necessary preliminary feasibility analysis.

- *Meet with DHCD*
  It is useful to meet with the state's Department of Housing and Community Development (DHCD) at this juncture or even before to discuss the project and obtain their early input into project financing options.

- *Secure approval from Town Meeting to convey the parcel for development to incorporate affordable housing.*
  The Housing Trust, in coordination with the Planning Board, should make this request and provide supportive documentation regarding the proposed project. Prior to Town Meeting, the Housing Trust should conduct a public process to increase awareness and support for the development and affordable housing in general. It might be useful to convey the property directly to the Housing Trust that will eventually transfer title to the selected developer or enter into a very long-term lease arrangement.

- *Prepare and issue a Request for Proposals (RFP).*
  The Housing Trust should prepare an RFP in coordination with the Planning Board, Scituate's Chief Procurement Officer and/or proposed Housing consultant or a consultant. The RFP will include project guidelines (e.g., approximate size, density, ownership vs. rental, target market/income mix, level of affordability, design issues, community preference criteria, siting, financing available, ownership and management, other stipulations) and selection criteria.

- *Select developer.*
  The Housing Trust should work with the Town's Chief Procurement Officer, proposed Housing consultant and potentially a consultant on the selection process keeping the Planning Board updated on its progress. It will be important for the Town to conduct a fair and rigorous process for reviewing proposals to insure that it designates the most capable developer. The proposals are evaluated and ranked with the most highly qualified respondent earning designation. All of this information should be formally documented.

- *Prepare and finalize plans and budget.*
  The designated developer is responsible for this task with early guidance from the Housing Trust, Planning Board, and other appropriate Town entities. The developer and Town representatives should also meet with DHCD to discuss progress and once again obtain input on development options and financing.

- *Enter into agreements with marketing and monitoring agents*
  The developer should identify and enter into agreements with the marketing agent to prepare an Affirmative Fair Housing Marketing Plan and implement it as well as a monitoring agent to enforce the affordability restrictions over the long-term.

- *Secure regulatory approvals.*
  The designated developer is responsible for obtaining regulatory approvals. The Housing Trust can also be helpful in intervening, as appropriate, to expedite approvals and lend local support.

If the project involves a comprehensive permit, the affordable housing units can be counted as part of the Town's Subsidized Housing Inventory when the 40B permit is approved and sent to the Town Clerk, assuming no appeal (appropriate documentation must be sent to DHCD). If the project does not involve a comprehensive permit, the affordable units would be counted through the subsidizing agency[56] and program when the building permits are issued. It will be important to insure that all requirements for incorporating the affordable units in the Subsidized Housing Inventory are followed (see introduction to Section 6 above for more details). The proposed Housing consultant or other municipal staff person would be responsible for this oversight.

- *Conduct closing including conveyance of property to the developer.*
  The Town will prepare and enter into an agreement with the developer that contains all the terms and conditions of the development, respective responsibilities of the Town and developer, and affordability restrictions. The agreement also typically specifies a significantly discounted or nominal value for the property that represents a significant Town commitment to the affordability of the new housing. This agreement, once executed, will be recorded with the title to the property at the Registry of Deeds.

- *Secure financing.*
  The designated developer will ultimately be responsible for obtaining project financing, including both public and private sources. Letters of support from the Board of Selectmen and/or Housing Trust will be critical in applying for subsidies where needed. It should be noted that most competitive state funding programs require that regulatory approvals be in place before funding applications are submitted. Agreements will also have to be executed with the subsidizing agency/agencies to close on any state or federal subsidies and to insure long-term affordability.

- *Secure building permits.*
  The designated developer will take the lead in securing the necessary permits to begin construction. If the project does not involve a comprehensive permit, documentation can at this point be submitted to DHCD to insure that the affordable units are counted as part of the Town's Subsidized Housing Inventory.

- *Start construction.*
  The designated developer will be responsible for construction.

- *Market and select tenants/owners for affordable units.*
  The proposed Housing consultant could take on these responsibilities in the absence of another qualified person or organization identified by the developer. The developer or designated realtor could be involved in marketing the market rate units. It should be mentioned that South Shore Housing has been involved in these activities for a number of years and has the capacity to take on this work.

[56] Affordable units that are created by local action (i.e., inclusionary zoning, CPA funding, special permit, contractual agreements, and other regulations) are processed through the state's Local Initiative Program as Local Action Units (LAUs).

It is also worth noting that, provided the community can demonstrate the associated need and the absence of any disparate impacts in the Affirmative Fair Housing Marketing Plan, up to 70% of the units in an affordable housing development can be set-aside as "local or community preference units." Within the parameters of fair housing laws and Section III.C of the Comprehensive Permit Guidelines, the criteria for these units can be defined by the Town as Scituate residents, employees of the Town of Scituate (including the School District) or employees of businesses located in town. Scituate should bear in mind that, however unintended, the use of local preference cannot have a discriminatory effect and as such housing lotteries must be marketed throughout the region to meet fair housing requirements and comply with all federal and state affirmative marketing regulations to have the affordable units counted as part of the Town's Subsidized Housing Inventory.

- *Complete construction.*
  The developer will be responsible.

- *Occupy property*
  The designated developer will be ultimately responsible for obtaining occupancy permits, working with the marketing agent to fill the units in compliance with the Affirmative Fair Housing Marketing Plan and requirements of the Subsidizing Agency.

- *Manage property.*
  The professional management of new rental housing is critical to the future viability of the development, and the management entity must have a proven track record and be approved by the Board of Selectmen or Housing Trust prior to conveying the property. If the proposed project sponsor does not have the expertise to undertake project management functions, it should work with the Trust to identify a private company, Housing Authority or a capable non-profit organization to assume these important management functions.

  In the case of many homeownership developments, the developer is responsible for establishing a Homeowners Association that will oversee the management of common areas.

- *Monitor affordability.*
  DHCD is now providing monitoring services for units subsidized through their Local Initiative Program (LIP) and other entities, approved by the subsidizing agency, have also performed these functions. Nevertheless, the Town is also responsible for monitoring functions, and the proposed Housing consultant or other designated municipal staff person or consultant should be charged with oversight. Municipal responsibilities include:

  Rental Projects – Annual monitoring and certification to DHCD that tenants continue to meet income limits and the project has been maintained in a safe and sanitary condition.
  Ownership Developments – Annual monitoring and certification to DHCD that units continue to serve as owners' primary residences and any resales are conducted in compliance with the terms and conditions stated in the Affordable Housing Restriction.

As indicated above, in addition to existing Town-owned parcels, the Town might consider acquiring other privately owned properties in the future. This could be accomplished through CPA, Housing Trust funds, a debt exclusion of Town tax revenues or by leveraging other financial resources. As sites are identified, the Housing Trust should work cooperatively with the Board of Selectmen, the Community Preservation Committee and other entities to commit the needed resources to make projects feasible. If any of the preliminarily identified existing Town-owned properties are finally determined infeasible or do not obtain approval from Town Meeting, it is anticipated that the projected numbers of affordable units would be met primarily through this acquisition process or private development.

Timeframe: Priority 1

Responsible Parties: Board of Selectmen with support from the Housing Trust

Resources Required: It would be useful to have professional support to coordinate this effort, working with the Town's Chief Procurement Officer to prepare a Request for Proposals, coordinate the developer selection process and provide other assistance during the development and construction phases. The proposed housing consultant could be assigned to undertake these activities, otherwise another designated municipal employee or other entity should be identified.

Resources will also be required to help subsidize the development. Comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones. Many communities have used the "friendly" comprehensive permit process to take advantage of these internal subsidies, to create the necessary densities to make development feasible, and to make it easier to navigate the existing regulatory system.

Many projects require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish these objectives, including CPA. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income households can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

It is likely that a number of financial and technical resources will be required to produce affordable units in Scituate. Appendix 3 includes summaries of many of these resources. Community support will also be required for zoning relief or changes to bylaws that will support this kind of development.

Projected # Affordable Units Produced: 113 units

6.3.2. Support Private Development in Line with Local Guidelines

Current Status: With incentives created in the Zoning Bylaw to promote affordable housing (see Section 6.2), and with local policies that provide guidance to developers on what the Town would like to see with respect to new development (see strategy 6.2.2), the Town is in a good position to work cooperatively with developers, both for profit and non-profit, to guide new development that incorporates affordable units. This Housing Production Plan suggests that new provisions should be made to encourage the following types of housing:

- Mixed-use development in appropriate locations,
- Smaller infill housing on nonconforming lots,
- Duplex housing units,
- Group homes,
- Multi-family housing in appropriate locations,
- Cluster development that integrates affordable units and is more in keeping with smart growth principles, and
- Small scattered sites, like those developed by Habitat for Humanity or by agencies as group homes, when developed as affordable housing.

Support for such development could be processed through normal regulatory channels when the projects are in basic compliance with existing zoning or could be handled through the "friendly" 40B process offered through the state's Local Initiative Program (LIP) or 40R. "Friendly" comprehensive permits have proven to be a useful tool in many communities for projects that require significant waivers of local zoning but meet local needs and priorities. Some of these projects have also incorporated more affordable units than those required under Chapter 40B. Key to the success of these new developments has been the partnership between the Town and the developer to build affordable housing, the infusion of Community Preservation or Housing Trust funding to enhance the affordability of these developments and leverage other sources of financing, as well as the proven expertise of the developer in building affordable housing.

Next Steps: The Town should *reach out* to local developers who have been active in producing affordable housing to discuss the Town's interest in promoting these units, possible areas and opportunities for new development, local guidelines and priorities for new development (see strategy 6.2.2), and the prospects for working together in the future. This will be particularly useful after the Town has produced Affordable Housing Guidelines and has passed key zoning changes summarized in Section 6.2.

To effectively guide development, the Town should also establish a *process for reviewing* local development proposals that include affordable units in their early conceptual stages to provide useful feedback to developers on preliminary plans. The Town should therefore identify the Housing Trust to oversee this review and designate a municipal employee or the proposed housing consultant to bring in the necessary professional expertise and work with the developer throughout the project planning and the regulatory processes.

Timeframe: Priority 1

Responsible Party: Affordable Housing Trust

Resources Required: Representatives of the Housing Trust should take the lead in reaching out to affordable housing developers and oversee the local proposal review process, working with developers on the "friendly" 40B process where appropriate. The support of the proposed Housing consultant would be extremely useful.

Projected # Affordable Units Produced: 113 units

6.3.3 Convert Existing Housing Units to Affordability

Current Status: Scituate should not overlook strategies to convert existing market units to state-defined "affordable" ones, thus insuring the long-term affordability of existing units.

There are a couple of approaches that provide affordability by focusing on existing dwelling units rather than new ones. Examples include:

- *Homebuyer Assistance Programs*
  Provision of subsidies to qualified first-time homebuyers to fill the gap between the market purchase price and the affordable price that is allowed under the state's Local Initiative Program (LIP). Several towns have adopted such assistance programs. For example, the Town of Chatham has introduced the First Time Homebuyers Assistance Program that uses up to $60,000 in CPA funds per household to fill this gap. Purchasers are pre-qualified through the Program before they are able to search in the private housing market for a qualifying home and deed restrictions are required. Purchasers are also required to attend first-time homebuyer classes and encouraged to explore more affordable mortgage financing such as loans through the state's ONE Mortgage Program. The Chatham Housing Authority administers the Program. Comparable programs are also available in many communities including Marshfield, Acton, Cambridge, Newton, and Bourne, largely subsidized through Community Preservation funding.

- *Buy-down Programs*
  A number of communities have focused on purchasing two-family structures or other housing types then renting or reselling one (or possibly both/several) of the units subject to a deed restriction that assures permanent affordability. Buy-down programs have proven to be viable strategies in a number of communities including the Sandwich Home Ownership Program (SHOP) that produced seven (7) affordable housing units under the coordination of the Housing Assistance Corporation (HAC), the Cape's regional non-profit housing organization. The Sandwich Housing Authority has also purchased homes and converted them to rentals that they manage. Such buy-down programs are usually coordinated by a non-profit housing organization and have also been implemented in Cambridge, Newton, Bedford and Arlington, for example.

Next Steps: The Town, through its Housing Trust, should review these models and determine which makes the most sense in Scituate. It should then prepare a proposal to present to the Community Preservation Committee for funding or dedicate Housing Trust funds. Following funding approval, the Trust should prepare an implementation plan that details program procedures and the respective roles and responsibilities of various municipal staff persons and boards and committees. The Town will need to be in compliance with Chapter 30B procurement rules and Requests for Proposals will be required to select an entity to oversee the Buy-down Program option and identify properties to purchase.

The initiative should target those housing units that are most affordable in Scituate's private housing market to minimize the amount of subsidy required to fill the gap between the purchase price and any costs of improvements and the affordable rents or purchase prices. Smaller homes are reasonable targets as well as some of the more affordable condos.

Timeframe: Priority 2

Responsible Party: Housing Trust

Resources Required: Some professional time from the proposed housing consultant paid through CPA or Housing Trust funds to prepare an implementation strategy and oversee project operations.

Projected # Affordable Units Produced: 8 units

6.3.4 Support New Infill Housing

Current Status: There are small lots, both Town-owned and privately-owned, that are spread throughout Scituate and might accommodate more limited numbers of new housing units in support of production goals and local needs.

Next Steps: The Town can work with for profit and non-profit developers as well as with abutters of vacant land to develop new infill housing on available vacant sites scattered throughout town. Such infill new development may include:

- A single small home, like the Habitat for Humanity prototype.
- A two-family house that can accommodate an owner's unit and rental apartment that offers both a first-time homebuyer opportunity with rental income from an apartment and a new rental unit, serving several needs simultaneously.
- A group home for special needs populations.
- Multi-family residences, perhaps resembling rambling farmhouses that can accommodate several individual units, either as rentals or condominiums. These units can also be developed as mixed-income housing, blending a couple of income tiers.
- A few adjoining townhouses that can also serve a variety of income levels.

The Town can play a helpful role in supporting developers in applying for subsidies to insure that at least some of the units are affordable and can be included in the Town's Subsidized Housing Inventory; can negotiate small "friendly" Chapter 40B projects through DHCD's Local Initiative Program or other 40B avenues; and can encourage abutters to create affordable housing on vacant adjacent lots. The ability to develop noncomplying lots (see strategy 6.2.5) will also promote infill housing within existing neighborhoods. Additional resources to support such development can be accessed through the state and federal government programs (see Appendix 3 for more information).

South Shore Habitat for Humanity has expressed interest in developing new affordable homes in Scituate, for example, and continues to look for donated public and private land on which to build. Organizations that support special needs housing are active throughout the area and may have an interest in developing group homes in Scituate. There are also excellent models of small "friendly" comprehensive permit projects in other communities that incorporate several income tiers to meet the housing needs of those within a wide range of incomes.

Timeframe: Priority 2

Responsible Party: Housing Trust

Resources Required: It will be helpful for the Housing Trust to support such efforts and, when possible, make smaller Town-owned parcels, potentially acquired through tax title (see strategy 6.2.6), available for affordable housing development through Requests for Proposals. Community Preservation and Housing Trust funds could continue to be helpful for promoting the affordability of new infill housing.

Community support will also be required for zoning relief or changes to bylaws that will support this kind of development

Projected # Affordable Units Produced: 16 units

Appendix 1

Local and Regional Organizations

The town of Scituate has a number of local and regional agencies and organizations available to help support the production of affordable housing or provide housing-related services. These organizations represent important resources for the Town to continue to access, creating partnerships in the implementation of this Housing Plan and are described below. It is also important to note that the Town approved the establishment of a Municipal Affordable Housing Trust Fund at its spring 2008 Town Meeting, and the Town is now taking measures to create this entity.

Scituate Affordable Housing Trust

The Town of Scituate approved a Municipal Affordable Housing Trust at its spring 2008 Town Meeting through State enabling legislation that was enacted on June 7, 2005, which simplified the process of establishing local housing funds. Previously, cities could create trusts through their own resolution, but towns had to get approval from the state legislature through a home rule petition. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an affordable housing trust fund, and use these funds without going back to Town Meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Board of Selectmen, in the case of towns. The Housing Trust is overseeing the preparation of this Housing Production Plan and will be primarily responsible for coordinating its implementation.

Scituate Housing Authority (SHA)

The Scituate Housing Authority (SHA) was established in June of 1958 to produce and manage low- and moderate-income housing. The board includes five members who are elected at-large by the town and another member appointed by the state's Department of Housing and Community Development (DHCD). The Housing Authority currently owns and manages 209 units of studio, one-bedroom and wheelchair accessible units for seniors and younger disabled persons, which involves two-thirds of the town's affordable units as counted in the Subsidized Housing Inventory. SHA developments include Lincoln Park (40 units), Wheeler Park Phase I (40 units), Wheeler Park Phase II (78 units – 6 are wheelchair accessible), and Central Park (51 units – 5 are wheelchair accessible). Lincoln Park and both phases of Wheeler Park are of the garden apartment style and those Scituate residents and employees, particularly veterans, receive preference on the waiting list. Central Park involved the redevelopment of the Central School building but there are no preferences on the waiting list for Scituate residents and employees because of HUD requirements.

The Housing Authority owns some additional land in town that it hopes to develop at some time in the future.

Scituate Community Preservation Committee

The Scituate Community Preservation Committee (CPC) has been charged with the oversight of funds to be raised through Scituate's passage of the Community Preservation Act. In September of 2000 the Community Preservation Act was enacted to provide Massachusetts cities and towns with another tool to conserve open space, preserve historic properties and provide affordable housing. This enabling statute established the authority for municipalities in the Commonwealth to create a Community

Preservation Fund derived from a surcharge of up to 3% of the property tax with a corresponding state match of up to 100%. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of the three categories (open space, historic preservation and affordable housing), allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. The Act further requires that a Community Preservation Committee of five to nine members be established, representing various boards or committees in the community, to recommend to the legislative body, in this case Town Meeting, how to spend the Community Preservation Fund.

In 2002 Scituate approved the creation of a Community Preservation Fund with funding support from the state for open space preservation, historic preservation and affordable housing production. The Town adopted a 3% surcharge on property taxes with exemptions for low-income owners and the first $100,000 of the property's assessed value. Funding from both the local revenue and state distribution totaled $1,318,866 in 2004 and increased to $1,781,529 in 2008. It remained over $1.3 million. At least 10% of CPA funds must be directed to affordable housing activities. This funding will be helpful in leveraging additional public and private technical and financial resources will be required to meet production goals.

Scituate's Community Preservation Committee is comprised of nine (9) members including representatives of the Planning Board, Historic Commission, Conservation Commission, Recreation Committee, Housing Authority, and four (4) "Members at Large" appointed by the Board of Selectmen.

Total CPA funding spent in support of community housing initiatives from 2003 to date was $1,550,643.89. Expenditures included $1,400,000 allocated to the Affordable Housing Trust; $50,000 towards construction of a Habitat for Humanity house; $16,600 for a consultant to conduct a Housing Needs Assessment and update the Affordable Accessory Dwelling Bylaw; $9,700 for the Town's initial Housing Production Plan; $61,000 for a site assessment of Housing Authority land adjacent to Central park for elderly housing, and $13,250 for site testing and analysis of Housing Authority property on the Driftway and New Kent St. The CPA had $553,909.50 remaining in its Housing Reserve as of 3/9/15.

Scituate Council on Aging

The Scituate Council on Aging is a Town department that provides services to support the quality of life of area elders through a wide variety of services including the operation of a Senior Center that offers social programs for seniors, an information and referral service on a wide range of issues (e.g., housing advice, in-home help, nutritional programs, legal matters, health care, consumer issues, and home maintenance services), community-based outreach services to promote independent living (e.g., transportation, congregate meals, health programs, educational programs, fuel assistance, and social/recreational programs), and in-home support services (home-delivered meals, Senior-to-Senior Chore Program, and Friendly Visitor Program). The Council relies heavily on local volunteers to support its services.

The Council on Aging receives many inquiries from area seniors that are related to housing, with most of these calls related to how they can find more affordable housing options in the community. Some elders are encountering difficulties affording to remain in their current homes and cannot locate alternative housing that is affordable, particularly if they require supportive services. There are no assisted living options in Scituate, and a number of residents have had to seek alternatives outside of town. There are residents of existing senior housing that could also use some additional services such as dining facilities within the housing development. Some seniors looking to downsize from their single-family homes are also having difficulty finding suitable smaller units without home maintenance

requirements, such as condominiums. Other needs that surface involve deferred maintenance problems and proximity to transportation and services.

The Council on Aging works with the Town on a program that abates taxes for up to $750 for seniors in exchange for minor services to the Town, for example, volunteering at a school or library. In addition to this work program, the Town also has a program for income-eligible seniors that reduces property tax bills by $500.

South Shore Housing Development Corporation

South Shore Housing Development Corporation (SSHDC) is committed to enhancing the quality of life for low- and moderate-income people by providing decent, safe and affordable housing; helping families move forward toward economic and social independence; and assisting individuals in reconnecting within their respective communities. This non-profit housing development corporation was established in 1970 to serve Bristol and Plymouth counties in the Southeast region of Massachusetts, including the town of Scituate. The organization has expanded its housing services over the past decades to include rental assistance, new housing development, property management, homeless assistance, housing rehabilitation, as well as counseling and education. South Shore Housing continues to administer Section 8 Housing Choice Vouchers throughout Plymouth and Bristol Counties.

South Shore Habitat for Humanity

Habitat for Humanity is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need. The organization has grown over the past two decades into one of the largest private homebuilders in the world with almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including one on the South Shore that has been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. South Shore Habitat for Humanity has produced 43 affordable homes on the South Shore with several more underway. They have completed one house in Scituate but because the home was not affirmatively marketed to those living outside of the town of Scituate, it cannot be counted as part of the Subsidized Housing Inventory. The organization is currently exploring a potential opportunity to build another home in Scituate.

South Shore Community Action Council

South Shore Community Action Council, Inc. is the area's community action agency that was established to serve a wide range of education, housing, health and service needs of low-income and disadvantaged area residents. The organization is based in Plymouth but has expanded during the past three decades to include a number of cities and towns on the South Shore including Scituate. Programs include fuel assistance, weatherization, burner repair and replacement, Head Start, and other services directed to area families.

Appendix 2

Glossary of Housing Terms

Affordable Housing
A subjective term, but as used in this Plan, refers to housing available to a household earning no more than 80% of area median income at a cost that is no more than 30% of total household income.

Area Median Income (AMI)
The estimated median income, adjusted for family size, by metropolitan area (or county in nonmetropolitan areas) that is adjusted by HUD annually and used as the basis of eligibility for most housing assistance programs. Sometimes referred to as "MFI" or median family income.

Chapter 40B
The state's comprehensive permit law, enacted in 1969, established an affordable housing goal of 10% for every community. In communities below the 10% goal, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions, which hamper construction of affordable housing. Developers can appeal to the state if their application is denied or approved with conditions that render it uneconomic, and the state can overturn the local decision if it finds it unreasonable in light of the need for affordable housing.

Chapter 44B
The Community Preservation Act Enabling Legislation that allows communities, at local option, to establish a Community Preservation Fund to preserve open space, historic resources and community housing, by imposing a surcharge of up to 3% on local property taxes. The state provides matching funds from its own Community Preservation Trust Fund, generated from an increase in certain Registry of Deeds' fees.

Comprehensive Permit
Expedited permitting process for developers building affordable housing under Chapter 40B "anti-snob zoning" law. A comprehensive permit, rather than multiple individual permits from various local boards, is issued by the local zoning boards of appeals to qualifying developers.

Department of Housing and Community Development (DHCD)
DHCD is the state's lead agency for housing and community development programs and policy. It oversees state-funded public housing, administers rental assistance programs, provides funds for municipal assistance, and funds a variety of programs to stimulate the development of affordable housing.

Fair Housing Act
Federal legislation, first enacted in 1968, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits

discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

Inclusionary Zoning
A zoning ordinance or bylaw that requires a developer to include affordable housing as part of a development or contribute to a fund for such housing.

Infill Development
The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods. Promotes compact development, which in turn allows undeveloped land to remain open and green.

Local Initiative Program (LIP)
A state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the state Subsidized Housing Inventory (SHI). LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set-aside as affordable to households earning less than 80% of area median income.

MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)
A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

Metropolitan Statistical Area (MSA)
The term is also used for CMSAs (consolidated metropolitan statistical areas) and PMSAs (primary metropolitan statistical areas) that are geographic units used for defining urban areas that are based largely on commuting patterns. The federal Office of Management and Budget defines these areas for statistical purposes only, but many federal agencies use them for programmatic purposes, including allocating federal funds and determining program eligibility. HUD uses MSAs as its basis for setting income guidelines and fair market rents.

Mixed-Income Housing Development
Development that includes housing for various income levels.

Mixed-Use Development
Projects that combine different types of development such as residential, commercial, office, industrial and institutional into one project.

Overlay Zoning
A zoning district, applied over one or more other districts that contains additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

Public Housing Agency (PHA)
A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 Housing Choice Vouchers.

Regional Non-Profit Housing Organizations
Regional non-profit organizations include nine private, non-profit housing agencies, which administer the Section 8 Program on a statewide basis, under contract with DHCD. Each agency serves a wide geographic region. Collectively, they cover the entire state and administer over 15,000 Section 8 Housing Choice Vouchers. In addition to administering Section 8 subsidies, they administer state-funded rental assistance (MRVP) in communities without participating local housing authorities. They also develop affordable housing and run housing rehabilitation and weatherization programs, operate homeless shelters, run homeless prevention and first-time homebuyer programs, and offer technical assistance and training programs for communities. South Shore Housing serves as Scituate's regional non-profit organization.

Regional Planning Agencies (RPAs)
These are public agencies that coordinate planning in each of thirteen regions of the state. They are empowered to undertake studies of resources, problems, and needs of their districts. They provide professional expertise to communities in areas such as master planning, affordable housing and open space planning, and traffic impact studies. With the exception of the Cape Cod and Nantucket Commissions, however, which are land use regulatory agencies as well as planning agencies, the RPAs serve in an advisory capacity only. The Metropolitan Area Planning Council (MAPC) serves as Scituate's regional planning agency.

Request for Proposals (RFP)
A process for soliciting applications for funding when funds are awarded competitively or soliciting proposals from developers as an alternative to lowest-bidder competitive bidding.

Section 8
Refers to the major federal (HUD) program – actually a collection of programs – providing rental assistance to low-income households to help them pay for housing. Participating tenants pay 30% of their income (some pay more) for housing (rent and basic utilities) and the federal subsidy pays the balance of the rent. The Program is now officially called the Housing Choice Voucher Program.

Smart Growth
The term used to refer to a rapidly growing and widespread movement that calls for a more coordinated, environmentally sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development – or sprawl – smart growth principles call for more efficient land use, compact development patterns, less dependence on the automobile, a range of housing opportunities and choices, and improved jobs/housing balance.

Subsidy
Typically refers to financial assistance that fills the gap between the costs of any affordable housing development and what the occupants can afford based on program eligibility requirements. Many times multiple subsidies from various funding sources are required, often referred to as the "layering" of subsidies, in order to make a project feasible. In the state's Local Initiative Program (LIP), DHCD's technical assistance qualifies as a subsidy and enables locally supported developments that do not require other financial subsidies to use the comprehensive permit process. Also, "internal subsidies" refers to those developments that do not have an external source(s) of funding for affordable housing, but use the value of the market units to "cross subsidize" the affordable ones.

Subsidized Housing Inventory (SHI)
This is the official list of units, by municipality, that count toward a community's 10% goal as prescribed by Chapter 40B comprehensive permit law.

U.S. Department of Housing and Urban Development (HUD)
The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.

Appendix 3

Summary of Housing Regulations and Resources

I. SUMMARY OF HOUSING REGULATIONS

A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for "comprehensive permits" submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title V.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a "subsidized" development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the US Department of Housing and Urban Development.
- Affordability restrictions must be in effect in perpetuity unless there is a justification for a shorter term that must be approved by DHCD.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met[57]:

- The community has met the "statutory minima" by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community's land area includes affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community's land area.

[57] Section 56.03 of the new Chapter 40B regulations.

- The community has made "recent progress" adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
- The community has a one- or two-year exemption under Planned Production.
- The application is for a "large project" that equals at least 6% of all housing units in a community with less than 2,500 housing units.
- A "related application" for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA's decision to the state's Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.[58] Recently approved regulations add a new requirement that ZBA's provide early written notice (within 15 days of the opening of the local hearing) to the applicant and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can or cannot count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

If the applicant appeals the use of these "appeals proof" grounds, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA's position). Either the ZBA or applicant can appeal DHCD's decision by filing an interlocutory appeal with the Housing Appeals Committee (HAC) within 20 days of receiving DHCD's decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these "appeal-proof" grounds.

Recent changes to Chapter 40B also address when a community can count a unit as eligible for inclusion in the SHI including:

- *40R*
  Units receiving zoning approval under 40R count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a comprehensive permit project.

- *Certificate of Occupancy*
  Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the C of O is not issued with 18 months.

- *Large Phased Projects*

[58] Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.

- *Projects with Expired Use Restrictions*
  Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.

- *Biennial Municipal Reporting*
  Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined under state guidelines including current residents, municipal employees, or employees of businesses located in town. It is also worth noting that the Town, through its Affirmative Fair Housing Marketing Plan, must demonstrate the associated local need for the community preference and insure that there will be no discriminatory impacts with the use of community preference.[59]

While there are ongoing discussions regarding how the state should count the affordable units for the purpose of determining whether a community has met the 10% goal, in a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from

[59] If a municipality wishes to implement a local selection preference it must:

- Demonstrate the need for local preference in an Affirmative Fair Housing Marketing Plan that must be approved by the subsidizing agency.
- Justify the extent of the local preference (the percentage of the units proposed to be set-aside for local preference), that is how the documented local need, in the context of the size of the community, the size of the project and the regional need, justifies the proposed size of the local preference for a given project. In no case can the percentage exceed 70% of the affordable units in a project.
- Demonstrate that the proposed local preference will not have a disparate or discriminatory impact on protected classes.
- Provide the developer with the documentation required to support a local preference within three (3) months of final issuance of the comprehensive permit. Failure to comply with this requirement will be deemed to demonstrate that there is not a need for a local preference and it will not be approved as part of any Affirmative Fair Housing Marketing Plan or use restriction.

Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and the Selectmen can submit an application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

Recent changes to 40B regulations expands the items a subsidizing agency must consider when determining site eligibility including:

- Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.
- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant requests otherwise. New 40B regulations provide greater detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical "peer review" fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. Here is the chance for the Zoning Board of Appeals' consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principle in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

New Chapter 40B regulations now add a number of requirements related to the hearing process that include:

- The hearing must be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that there rules are consistent with Chapter 40B.
- Local boards cannot impose "unreasonable or unnecessary" time or cost burdens on an applicant and cannot require an applicant to pay legal fees for general representation of the ZBA or other boards. The new requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lacks minimum required qualifications.
- Specifies and limits the circumstances under which ZBA's can review pro formas.
- Zoning waivers are only required under "as of right" requirements, not from special permit requirements.
- Forbids ZBA's from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.
- States that ZBA's cannot delay or deny an application because a state or federal approval has not been obtained.
- Adds new language regarding what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or require a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. New Chapter 40B regulations set forth the basic parameters for insuring that profit limitations are enforced, while leaving the definition of "reasonable return" to the subsidizing agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a

detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and upon a schedule determined by the DHCD guidelines.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality's year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing "standing" in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate "legal error" in the decision of the ZBA or HAC.

B. Housing Production Regulations

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Department of Housing and Community Development (DHCD) is administering the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of .05% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (36 and 72 units, respectively, for Scituate) for *approval* by DHCD.[60]
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the certification documentation to DHCD, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to DHCD it must meet the following requirements:

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure based on future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
    - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
    - Identification of specific sites on which comprehensive permit applications will be encouraged.

[60] Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

- Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
- Municipally owned parcels for which development proposals will be sought.
- Participation in regional collaborations addressing housing development.

Plans must be adopted by the Board of Selectmen and Planning Board, and the term of an approved plan is five (5) years.

C. Chapter 40R/40S

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that "the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income".[61]

The statute defines 40R as "a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions."[62] The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows "as-of-right" residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units as follows:

Incentive Payments

Incentive Units	Payments
Up to 20	$10,000
21-100	$75,000
101-200	$200,000
210-500	$350,000
501 or more	$600,000

[61] Edward Carman, Barry Bluestone, and Eleanor White for the Commonwealth Housing Task Force, "A Housing Strategy for Smart Growth and Economic Development: Executive Summary", October 30, 2003, p. 3.
[62] Massachusetts General Law, Chapter 40R, Section 11.

There are also density bonus payments of $3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would prepare the bylaw or ordinance for Town Meeting or City Council enactment, would be "able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood."[63]

The principal benefits of 40R include:

- Expands a community's planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet planned production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the amount of payment.

The state recently enacted Chapter 40S under the Massachusetts General Law that provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

D. Local Initiative Program (LIP) Guidelines

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development

[63] "A Housing Strategy for Smart Growth and Economic Development: Executive Summary," p. 4.

principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called "friendly" 40B's, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

Income and Assets

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted "over 55" housing.
- For homeownership projects, assets may not be greater than $75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than $200,000.
- Income and asset limits determine eligibility for lottery participation.

Allowable Sales Prices and Rents[64]

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area's utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees[65], private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.

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[64] DHCD has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/dhcd.
[65] DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

Allowable Financing and Costs

- Allowable development costs include the "as is" value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the "as is" market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner's equity in the project. Owner's equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer's obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

Marketing and Outreach

- Marketing and outreach, including lottery administration must adhere to all Fair Housing laws and the state's Affirmative Fair Housing Marketing Plan Guidelines.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of up to 70% of the units may be local preference units for those who have a connection to the community as defined by the state under Section III.C of the Comprehensive Permit Guidelines.
    - The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s) and must demonstrate the need for local preference as well as insure that there will be no discriminatory impacts as a result of using local preference criteria.
    - Marketing materials must be available/application process open for a period of at least 60 days.
    - Marketing should begin about six (6) months before occupancy.

- Lottery must be held unless there are no more qualified applicants than units available.

Regulatory Requirements

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.
- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on "households" = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- For at least 15 years for housing rehabilitation.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements –

1 bedroom – 700 square feet/1 bath
2 bedrooms – 900 square feet/1 bath
3 bedrooms – 1,200 square feet/ 1 ½ baths
4 bedrooms – 1,400 square feet/2 baths

- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – "friendly" comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality's chief elected official, the Board of Selectmen in the case of towns, and the local housing partnership, trust or other designated local housing entity, if applicable. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an affirmative fair marketing plan that must be approved by DHCD.
5. Developer's profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – "friendly" comprehensive permit projects – is as follows:

1. *Application process*

- Developer meets with Town
- Developer and Town agree to proposal
- Town chief elected officer submits application to DHCD with developer's input

2. *DHCD review involves the consideration of:*

- Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
- Number and type of units,
- Pricing of units to be affordable to households earning no more than 70% of area median income,
- Affirmative marketing plan,
- Financing, and
- Site visit.

3. *DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.*

4. Zoning Board of Appeals holds hearing

- Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
- Developer forms a limited dividend corporation that limits profits.
- The developer and Town sign a regulatory agreement.

5. *Marketing*

- Marketing plan must provide outreach to area minority communities to notify them about availability of the unit(s).
- Local preference is limited to those who live/work in the community with a maximum of 70% of the affordable units.
- Marketing materials must be available/application process open for a period of at least 60 days.
- Lottery must be held.

6. *DHCD approval must include*

- Marketing plan, lottery application, and lottery explanatory materials
- Regulatory agreement (DHCD is a signatory)
- Deed rider (Use standard LIP document)
- Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser's closing attorney.

As mentioned above, in addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a Town's Subsidized Housing Inventory that are created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD's web site.

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: janice.lesniak@state.ma.us). For legal questions contact Reiko Hayashi, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: reiko.hayashi@state.ma.us).

E. MassWorks Infrastructure Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support economic development and job creation. The Program represents an administrative consolidation of six former grant programs:

- Public Works Economic Development (PWED)
- Community Development Action Grant (CDAG)
- Growth Districts Initiative (GDI) Grant Program
- Massachusetts Opportunity Relocation and Expansion Program (MORE)
- Small Town Rural Assistance Program (STRAP)
- Transit Oriented Development (TOD) Program

The MassWorks Infrastructure Program provides a one-stop shop for municipalities and other eligible public entities seeking public infrastructure funding to support:

- Economic development and job creation and retention
- Housing development at density of at least 4 units to the acre (both market and affordable units)
- Transportation improvements to enhancing safety in small, rural communities

The MassWorks Infrastructure Program is administered by the Executive Office of Housing and Economic Development, in cooperation with the Department of Transportation and Executive Office for Administration & Finance.

II. SUMMARY OF HOUSING RESOURCES

Those programs that may be most appropriate to development activity in Scituate are described below.[66]

A. Technical Assistance

1. Planning Assistance Toward Housing (PATH)

A relatively new state-funded initiative, the Planning Assistance Toward Housing (PATH) Program, provides planning assistance to municipalities for housing production. The state has made $600,000 in planning grants available through the program to support locally initiated planning for municipally owned sites, changes to land use and zoning, and other strategies that directly contribute to housing production. This program replaces the Priority Development Fund that was introduced by the state in 2004.

2. Peer-to-Peer Technical Assistance

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than $1,000, providing up to 30 hours of technical assistance. (Contact is Linda Balzotti at DHCD.)

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen or letter from the Town Administrator supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality's satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

3. MHP Intensive Community Support Team

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information. (Contact MHP's Community Housing Initiatives Team at 617-330-9944 ext. 227.)

4. MHP Chapter 40B Technical Assistance Program

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to $10,000 in third-party technical assistance to enable communities to hire consultants to help them

[66] Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. Housing Guidebook for Massachusetts, Produced by the Citizen's Housing and Planning Association, June 1999.

review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development "uneconomic".
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

(Contact MHP's Community Housing Initiatives Team at 617-330-9944 ext. 227.)

B. Housing Development

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

1. HOME Program

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is $750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is $50,000 (these communities should also include a commitment of local funds in the project). Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the ONE Mortgage Program.

2. Community Development Block Grant Program (CDBG)

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those nonentitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

There are other programs funded through the Community Development Block Grant Small Cities Program for both homeownership and rental projects. A number of the special initiatives are directed to communities with high "statistical community-wide needs", however, the **Community Development Fund II** is targeted to communities with lower needs scores that have not received CDBG funds in recent years. DHCD also has a **Reserve Fund** for CDBG-eligible projects that did not receive funding from other CDBG funded programs or for innovative projects.

3. Housing Stabilization Fund (HSF)

The state's Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program, now the ONE Mortgage Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the

maximum amount available per project is $750,000 and the maximum per unit is $65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and $50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

4. Low Income Housing Tax Credit Program

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

5. Affordable Housing Trust Fund

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median

income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

6. Housing Innovations Fund (HIF)

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than $500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

7. Federal Home Loan Bank Board's Affordable Housing Program (AHP)

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to $300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

8. MHP Permanent Rental Financing Program

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from $100,000 loans to amounts of $2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to $40,000 per affordable unit up to a maximum of $500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from $250,000 to $5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

9. OneSource Program

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from $250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for

applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

10. Section 8 Rental Assistance

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent either through mobile vouchers that recipients use in the private market (Section 8 Housing Choice vouchers) or project-based assistance that are attached to specific units. In addition to the federal Section 8 Housing Choice Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

11. District Improvement Financing Program (DIF)

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

12. Urban Center Housing Tax Increment Financing Zone (UCH-TIF)

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the "increment") of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

13. Community Based Housing Program

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit's Total Development Costs up to a maximum of $750,000 per project.

14. Compact Neighborhoods Program

DHCD recently announced "Compact Neighborhoods" that provides additional incentives to municipalities that adopt zoning districts for working families of all incomes as well as smart growth development. Similar to 40R, the program requires new zoning that must:

- Allow a minimum number of "future zoned units" in the Compact Neighborhood, which is generally 1% of the year-round housing in the community;
- Allow one or more densities as-of-right in the zone of at least eight (8) units per acre on developable land for multi-family housing and at least four (4) units per acre for single-family use;
- Provide not less than 10% of units be affordable within projects of more than 12 units; and
- Not impose any restrictions to age or other occupancy limitations within the Compact Neighborhood zone although projects within the zone may be targeted to the elderly, persons with disabilities, etc.

Financial assistance through the Priority Development Fund is available to communities that are adopting Compact Neighborhoods zoning, giving priority to the creation of mixed-use development beyond the bounds of a single project. The state also promotes projects that meet the definition of smart growth under 40R, encourage housing that is priced to meet the needs of households across a broad range of incomes and needs.

The process for implementing a Compact Neighborhoods Zone includes:

- Identify an "as-of-right" base or overlay district (the Compact Neighborhood);
- Request and receive a Letter of Eligibility from DHCD; and
- Adopt the Compact Neighborhood Zoning.

15. DHCD Project-Based Homeownership Program

DHCD recently announced a first round of funding for its Project-Based Homeownership Program with two (2) funding categories:

- *Areas of Opportunity*
  Funds are being awarded for new construction of family housing projects for first-time homebuyers in neighborhoods or communities that provide access to opportunities that include but are not limited to jobs, transportation, education, and public amenities. The minimum project size is ten (10 units) for up to $500,000 in funding for a single project and no more than $75,000 per affordable unit. The maximum total development cost for affordable units is $300,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to the amount of the DHCD subsidy request.

- *Gateway Cities*
  A limited amount of funding will be made available to Gateway Cities or other smaller communities with well-defined Neighborhood Redevelopment Plans for the acquisition and rehabilitation or new construction of single-family or duplex units or triple deckers (rehab only). The development of single sites is preferred but scattered-site projects are permissible. The

minimum project size is six (6 units) for up to $500,000 in funding for a single project and no more than $75,000 per affordable unit. The maximum total development cost for affordable units is $250,000 and the maximum developer overhead and fee is 15% of total development costs. Localities must provide matching funds at least equal to one-half the amount of the DHCD subsidy request.

Sponsors/developers must have hard letters of interest from construction lenders and mortgage loan originators, follow prescribed design/scope guidelines, submit sound market data at the time of pre-application, and have zoning approvals in place. Interested sponsors/developers must submit a pre-application for funding and following its review, DHCD review will invite certain sponsor/developers to submit full applications.

C. Homebuyer Financing and Counseling

1. ONE Mortgage Program

The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, has recently introduced the ONE Mortgage Program, a new simplified version of the successful Soft Second Loan Program, which from 1991 to 2013 helped over 17,000 families purchase their first home. Like the Soft Second Program, ONE features low, fixed-rate financing and state-backed reserve that relieves homebuyers of the cost of purchasing private mortgage insurance.

2. Homebuyer Counseling

There are a number of programs, including the ONE Mortgage Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organizations that offer these workshops in closest proximity to Scituate include South Shore Housing and Quincy Community Action Program.

3. Self-Help Housing.

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

D. Home Improvement Financing

1. MassHousing Home Improvement Loan Program (HLP)

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of $10,000 up to a maximum of $50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are $92,000 for households of one or two persons and $104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

2. Get the Lead Out Program

MassHousing's Get the Lead Out Program has been offering financing for lead paint removal on excellent terms. Based on uncertain future legislative appropriations, some changes in program requirements were made to insure that eligible homeowners with lead poisoned children would have funding available for a longer period. All income eligible families who are under court order to delead or who have a child under case management with the Commonwealth's Lead Paint Prevention Program, will continue to receive 0% deferred loans. Owners wanting to delead their homes for preventive purposes must qualify for an amortizing loan with a 3% interest rate if earning within 80% of area median income, 5% interest if earning over 80% AMI and up to the program maximum. Applicants must contact a local rehabilitation agency to apply for the loan.

3. Septic Repair Program

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to $23,000 and three or more person households earning up to $26,000 annually. There are 3% loans available for those one or two person households earning up to $46,000 and three or more persons earning up to $52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to $25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

4. Home Modification Program

This state-funded program provides financial and technical assistance to those who require modifications to their homes to make them handicapped accessible. The area's regional non-profit organization, the Metropolitan Boston Housing Partnership (MBHP), administers these funds for the state.