

# TOWN OF TOWNSEND HOUSING PRODUCTION PLAN

FY2022-2026

DRAFT VERSION FOR REVIEW  
REVISED 2/1/22

**\*\*DRAFT DOCUMENT INTENDED FOR DISCUSSION PURPOSES ONLY\*\***

PREPARED FOR:  
Town of Townsend  
272 Main Street  
Townsend, MA 01469

PREPARED BY:  
JM Goldson LLC

This page intentionally left blank

DRAFT

# TABLE OF CONTENTS

ACKNOWLEDGMENTS	5
ACRONYMS	6
KEY DEFINITIONS	7
DATA SOURCES	8
<b>Chapter 1: Introduction</b>	<b>9</b>
REPORT ORGANIZATION	9
COMMUNITY OVERVIEW	10
SUMMARY OF HOUSING NEEDS	10
SUMMARY OF HPP GOALS	13
SUMMARY OF HPP STRATEGIES	13
<b>Chapter 2: Housing Goals and Strategies</b>	<b>15</b>
FIVE-YEAR GOALS	15
GOALS AND STRATEGIES MATRIX	17
FIVE-YEAR STRATEGIES	20
ACTION PLAN	31
<b>Chapter 3: Demographic Profile</b>	<b>33</b>
KEY FINDINGS	33
DEMOGRAPHICS	33
HOUSEHOLDS	36
EDUCATION	39
INCOME	40
SUMMARY	42
<b>Chapter 4: Housing Conditions</b>	<b>43</b>
KEY FINDINGS	43
HOUSING SUPPLY AND TRENDS	43
RECENT & FUTURE DEVELOPMENT	50
HOUSING AFFORDABILITY	50
SUMMARY	55
<b>Chapter 5: Development Constraints</b>	<b>56</b>
KEY FINDINGS	56
ENVIRONMENTAL CONSTRAINTS	57

INFRASTRUCTURE CAPACITY	65
REGULATORY BARRIERS AND CONSIDERATIONS	69
SUMMARY	76
<b>Chapter 6: Implementation Capacity and Resources</b>	<b>78</b>
KEY FINDINGS	78
LOCAL CAPACITY AND RESOURCES	78
REGIONAL CAPACITY AND RESOURCES	79
<b>Appendices</b>	<b>80</b>
TOWNSEND SUBSIDIZED HOUSING INVENTORY	80
DHCD AFFIRMATIVE FAIR HOUSING GUIDELINES	81
INTERAGENCY BEDROOM MIX POLICY	82
COMPREHENSIVE PERMIT DENIAL AND APPEAL PROCEDURES	84

## ACKNOWLEDGMENTS

Thank you to all community members who gave their time and insights to this project:

### **Townsend Housing Authority**

Jodie Deschenes, Staff  
Courtney Borelli, Chair  
Laura Shifrin, Vice Chair  
Natalie Call, Clerk  
Charles Sexton-Diranian, State Representative

### **Townsend Affordable Housing Trust**

Joan Savoy, Chairman  
Michael Virostko, Trustee  
Gary Sheperd, Trustee  
Cindy Boundy, Trustee  
Veronica Kell, Trustee, BOS Representative

DRAFT

Beth Faxon, Townsend Planning Board and Zoning Board of Appeals Administrator  
James Smith, Townsend Highway Superintendent  
David Vigeant, Townsend Water Department Superintendent  
Rick Metcalf, Nashoba Associated Boards of Health  
Diane Hansen, Community Opportunities Group Inc.

### **With assistance by JM Goldson LLC**

Jennifer M. Goldson, AICP, Founder and Managing Director  
Barry Fradkin, Community Planning Analyst  
Delaney Almond, Community Planning Analyst  
Andrew Oliver, Community Planning Assistant

## ACRONYMS

ACS	US Census Bureau's American Community Survey, Five-Year Estimates
ADA	Americans with Disabilities Act
AMI/AMFI	Areawide Median Family Income set by HUD (household of four)
AUL	Activity and Use Limitation designation, monitored by the DEP
ARPA	American Rescue Plan Act
CHAS	Comprehensive Housing Affordability Strategy
CPA	State of Massachusetts Community Preservation Act (MGL Chapter 44B)
CPC	Community Preservation Committee
CPI-U	U.S. Census Bureau's Consumer Price Index
CRA	U.S. Federal Community Reinvestment Act
DEP	Massachusetts Department of Environmental Protection
DHCD	Massachusetts Department of Housing and Community Development
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FY	Fiscal Year(s) (July 1-June 30)
HPP	Housing Production Plan
HUD	United States Department of Housing and Urban Development
LMI	Low/Moderate- Income (at or below 80 percent AMI)
MACRIS	Massachusetts Cultural Resources Information System
MAPC	Metropolitan Area Planning Council
MassDOT	Massachusetts Department of Transportation
MassGIS	Massachusetts Bureau of Geographic Information
MBTA	Massachusetts Bay Transportation Authority
MGL	Massachusetts General Laws
MLS	Multiple Listings Service (central real estate database)
MRPC	Montachusett Regional Planning Commission
MSA	Metropolitan Statistical Area
MWRA	Massachusetts Water Resources Authority
NHESP	Massachusetts Natural Heritage and Endangered Species Program
SHI	Massachusetts Subsidized Housing Inventory
YTD	Year to Date
40B	Comprehensive Permit, per MGL Chapter 40B, §20-23

## KEY DEFINITIONS

This list of key definitions is intended to assist the reader and is not intended to replace applicable legal definitions of these terms. The following definitions are for key terms used throughout the document, many of which are based on definitions in statutes and regulations.

**Areawide Median Income (AMI)**– the median gross income for a person or family as calculated by the United States Department of Housing and Urban Development, based on the median income for the Metropolitan Statistical Area. For FY2021, the HUD area median family income (AMFI) for the Boston-Cambridge-Newton MA HUD Metro FMR Area was \$120,800.<sup>1</sup> AMI is also referred to in the document as median family income (AMFI).

**Cost-Burdened Household** – a household that spends 30 percent or more of their income on housing-related costs (such as rent or mortgage payments). Severely cost-burdened households spend 50 percent or more of their income on housing-related costs.

**Household** – all the people, related or unrelated, who occupy a housing unit. It can also include a person living alone in a housing unit or a group of unrelated people sharing a housing unit as partners or roommates. Family households consist of two or more individuals who are related by birth, marriage, or adoption, although they also may include other unrelated people. Nonfamily households consist of people who live alone or who share their residence with unrelated individuals.

**Family Household** – Family households consist of two or more individuals who are related by birth, marriage, or adoption, although they also may include other unrelated people.

**Non-Family Households** – Non-family households consist of individuals living alone and individuals living with roommates who are not related by birth, marriage, or adoption.

**Income Thresholds** – the U.S. Department of Housing and Urban Development (HUD) establishes income thresholds that apply to various housing assistance programs. These thresholds are updated annually and are categorized by household size. Townsend is part of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area.

**Extremely Low-Income (ELI)** – the FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to an individual or family whose annual gross income is the greater of 30/50ths (60 percent) of the Section 8 very low-income limit or the poverty guideline. The FY2021 ELI income limits for a household of one is \$28,200 and for a household of four is \$40,250.

**Very Low-Income (VLI)** – an individual or family whose annual gross income is at or below 50 percent AMI. The FY2021 VLI income limits for a household of one is \$47,000 and for a household of four is \$67,100.

**Low/Moderate income (LMI)** – an individual or family whose annual gross income at or below 80 percent of the area median income (AMI).<sup>2</sup> The FY2021 LMI income limits for a household of one is \$70,750 and for a household of four is \$101,050.

---

<sup>1</sup> U.S. Department of Housing and Urban Development. FY 2021 Income Limits Summary. <https://www.huduser.gov/portal/datasets/il/il2021/2021summary.odn> (accessed August 2021).

<sup>2</sup> For purposes of MGL c.40B, moderate income is defined as up to 80 percent AMI.

**Labor Force** – all residents within a community over the age of 16 who are currently employed or *actively* seeking employment. It does not include students, retirees, discouraged workers (residents who are not actively seeking a job) or those who cannot work due to a disability.

**Non-Family Households** – Non-family households consist of individuals living alone and individuals living with roommates who are not related by birth, marriage, or adoption.

**Open Space** – land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and saltwater marshes and other wetlands, oceans, rivers, streams, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve, and/or land for recreational use.

## DATA SOURCES

This plan utilizes data from the U.S. Census, American Community Survey Five-Year Estimates (ACS), Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), MassGIS, the Town of Townsend Assessors Office and Housing Authority, and The Warren Group (TWG), as well as projections from the University of Massachusetts at Amherst Donahue Institute (UMDI) and Metropolitan Area Planning Council (MAPC).

The U.S. Census counts every resident in the United States by asking ten questions, whereas the ACS provides estimates based on a sample of the population for more detailed information. It is important to be aware that there are margins of error (MOE) attached to the ACS estimates, because the estimates are based on samples and not on complete counts.

# CHAPTER 1: INTRODUCTION

This Housing Production Plan (HPP) is a state-recognized planning tool that, under certain circumstances, permits municipalities to influence the location, type, and pace of affordable housing development. This HPP establishes a strategic plan for production of affordable and mixed-income housing that is based upon a comprehensive housing needs assessment and provides a detailed analysis of development constraints due to infrastructure capacity, environmental constraints, protected open space, and regulatory barriers and considerations.

This HPP has been prepared in accordance with the Massachusetts Department of Housing and Community Development (DHCD) requirements and describes how the Town of Townsend plans to create and preserve affordable and mixed-income housing as well as create more housing options in the community.

Under Massachusetts General Laws Chapter 40B Section 20-23 (C.40B), the Commonwealth's goal is for all Massachusetts municipalities is to have a minimum of 10 percent of year-round housing units affordable to low/moderate income households or affordable housing on at least 1.5 percent of total land area.

As of July 2021, Townsend had 145 subsidized units in the SHI, making up 4.3 percent of its total housing stock. The total number of units in Townsend, which is used as the denominator when calculating Townsend's SHI percentage, will change following the full release of the 2020 census data. When the denominator changes, the percentage of housing units on the SHI will likely drop unless more units are added. While DHCD's official determination of compliance with the 10 percent minimum is pending, the preliminary 2020 Decennial Census figures, released recently, indicate that Townsend will remain significantly below the minimum 10 percent threshold. The 2020 count of total housing units reported by the Census Bureau is 3,566, an increase of 181 units from the 2020 count of 3,385.

## REPORT ORGANIZATION

This Housing Production Plan is organized in six chapters as follows:

- Chapter 1 provides an overview of the purpose of the plan, a community overview, description of the planning process, and summary of the Town's housing needs, goals, and strategies and may serve as an executive summary for this report.
- Chapter 2 describes the Town's five-year housing goals, strategies, and action plan as identified through the planning process associated with development of this plan.
- Chapter 3 provides a demographic profile of the community's residents.
- Chapter 4 provides an analysis of local housing conditions including housing supply, residential market indicators, and affordable housing characteristics.
- Chapter 5 describes the Town's development constraints and limitations including environmental constraints, infrastructure capacity, and regulatory barriers and considerations.
- Chapter 6 describes local and regional capacity and resources to create and preserve affordable and mixed-income housing in the community.

## COMMUNITY OVERVIEW

As described in the 2013 Open Space and Recreation Plan (OSRP), Townsend is a small, quiet, suburban/rural bedroom community occupying 32.8 square miles of land and surface water in western Middlesex County on the New Hampshire border. It is bordered by Fitchburg, Ashby, Pepperell, Groton, Shirley, and Lunenburg. The town is 39.5 miles northwest of Boston and provides convenient access to surrounding business, cultural, recreational, and scenic opportunities.

What is now Townsend was originally part of an area called Wistequassuck by Native Americans. The land was first surveyed in 1676 and was granted to Major William Hawthorn of Salem. The dam on the Squannacook River at the site of Townsend Harbor was built in 1733, leading to the development of industry in the form of a grist mill and sawmill. The town was incorporated in 1732 as “Townshend”, though the “h” was later dropped in protest when the grandson of its namesake, Charles Townshend, passed an unpopular tax on the colonies in 1767.

By the 19<sup>th</sup> century, the town’s industries had migrated near to the current center of town and were dominated by the cooperage industry and accompanying lumberyards and sawmills. The railroad arrived in 1846, further enhancing the development of industry including cranberry production and poultry farms for the egg market. Both the cooperage and egg industries would last into the mid 20<sup>th</sup> century, by which time many of the original manufacturing and agricultural industries began to slow. The town has since evolved into a residential community with some services, retaining a rural and historical character, and celebrated its 275<sup>th</sup> anniversary in 2007. Townsend’s proximity to increased business and technology growth along the Route 495 beltway has increased demand for housing in the town, particularly between 1970 and 1990, though there has only been a marginal increase in business activity in the town itself in recent decades.

Townsend has enjoyed higher income levels overall than the Fitchburg Standard Metropolitan Statistical Area, though lower incomes than Pepperell and Groton due to their proximity to the Route 495 corridor and economic histories. Townsend contains a large amount of open space, notably the Townsend State Forest in the northern part of town, Pearl Hill State Park in southwest Townsend, and the exemplary wildlife habitat and recreational opportunities along the Squannacook River.

Overall, the town’s rural characteristics are important in the minds of its residents, who enjoy Townsend’s peaceful nature, hilly and scenic landscapes, areas of open space, recreational opportunities, and connection with history.

## SUMMARY OF HOUSING NEEDS

As described in detail in Chapters 3-5, Townsend’s population numbers are relatively stable, and the town’s population is aging, with a high percentage of older residents living alone. The town contains primarily single-family units, and there is a mismatch in the town between the number of bedrooms per unit and the number of people per household. Overall, Townsend experiences a very high demand for housing, particularly rentals. Housing prices have increased in recent years, though unlike many communities, Townsend residents earning the median household income would be able to purchase a house at the town’s median sales price. However, about 20 percent of Townsend’s low- and moderate-income households are cost burdened, spending more than 30 percent of their income on housing costs. Much of the town is contained within the Squannassit Area of Critical Environmental Concern as well as on the town’s aquifer, presenting constraints to denser development due to the lack of a sewer system.

Key findings from the Demographic Analysis, Housing Conditions, and Development Constraints chapters are summarized below:

### DEMOGRAPHIC ANALYSIS KEY FINDINGS (CHAPTER 3)

- Townsend's population is relatively stable, with very slight fluctuations since 2000 and a projected slight decline over the next several decades.
- Between 2010 and 2019 the town's population has aged, with an increase in residents 65 years and older of five percentage points and a 3-percentage point decrease in residents aged between zero and seventeen years.
- Overall, the town has seen an increase in all non-family households since 2010. Particularly notable is a 63 percent increase in householders over the age of 65 living alone, far outpacing the 15 percent increase in senior householders living alone statewide in the same period.
- Townsend's population is less racially/ethnically diverse than both Middlesex County and Massachusetts as a whole but has seen recent increases in Hispanic/Latino and mixed-race populations.
- According to the 2015-2019 ACS, 34 percent of Townsend residents aged 25 or older have earned a bachelor's degree or higher educational attainment. This is significantly lower than Middlesex County (55 percent) and the Commonwealth as a whole (44 percent).
- The gap between Townsend's median household income and the area AMI has been increasing since 2000 when adjusted for inflation, with a 13 percent increase in area AMI but a 3 percent decrease in Townsend's median household income during that period.
- Renters in Townsend earned less than half as much as homeowners on average by 2019 ACS estimates – the median income for homeowners in Townsend was \$101,014 compared with \$42,805 for renters.

### HOUSING CONDITIONS ANALYSIS KEY FINDINGS (CHAPTER 4)

- The housing stock in Middlesex County and Massachusetts is about half single-family detached, compared to 85 percent in Townsend.
- In 2019, the town had an ownership vacancy rate of 1.6 percent and a zero percent rental vacancy rate (indicating virtually no rental properties available), down from the 2 percent ownership and 1.2 percent rental vacancy rates in 2010.
- Townsend's quantity of renter-occupied housing units has increased by about five percent since 2010, compared to a nine percent increase in owner-occupied housing units. This increases the imbalance of ownership vs. rental properties in the town, particularly when the low vacancy rates indicate a need for more rental housing.
- There is a mismatch between smaller household sizes and the available housing stock, with almost 60 percent of Townsend households comprised of one or two people compared with 23 percent of housing stock with one or two bedrooms.
- The 2020 Decennial Census figures, released recently, indicate that Townsend will remain significantly below the minimum 10 percent threshold of subsidized housing required by the state.
- About 89 percent of extremely low-income households (earning less than 30 percent of AMI) are cost-burdened in Townsend, and 80 percent of these households are severely cost-burdened, spending more than 50 percent of their income on housing costs.
- In Townsend, unlike many Massachusetts communities, there is not a substantial affordability gap for purchasing homes based on the town's median household income, putting home ownership within reach for the average resident of the town.

## DEVELOPMENT CONSTRAINTS KEY FINDINGS (CHAPTER 5)

### Environmental Constraints

- Townsend's landscape remains undeveloped in many hilly areas due to comparatively low development pressures and state land purchases, with most developed areas in the valleys.
- The irregular topography limits development potential on the steep slopes of the town's hills, with road construction, on-site sewage disposal, and sewer and water line installation all difficult on these slopes which can be upwards of 10 percent.
- The Wetlands Bylaw requires approval from the Conservation Commission for nearly all development projects outside of the Route 119 corridor.
- Thirty-three percent of developable land in Townsend is in the 100-year flood zone and an additional 30 percent is in the 500-year flood zone, an important consideration when choosing sites for development. Global climate change will only continue to exacerbate extreme weather events contributing to flooding, increasing the risk to Townsend in future decades.
- Around 70 percent of Townsend is contained within the Squannassit Area of Critical Environmental Concern (ACEC). The ACEC designation does not explicitly prevent development, but it does require the town to steward development within the area more carefully.

### Infrastructure Capacity

- Townsend's drinking water is sourced from two aquifers which lie under approximately half of the town. Much of the rest of the town is relied upon to recharge these aquifers. About half of Townsend residents are served by the Townsend Water Department, and the remainder are reliant on privately owned wells. The Water Department's capacity is planned to increase with a new well and treatment plant in the coming years.
- Townsend's wastewater is disposed entirely by private septic systems, and there are no plans for municipal sewer service at this time.
- Automobile traffic has increased in recent decades due to commuters originating in the town and passing through. A relatively limited number of job opportunities in the area compel residents to often travel more than 20 miles to work.
- Advancements in wastewater technology have improved the outlook for denser development in the town but overall, the town has continued to rely on uniform, large lot zoning and stringent site controls to mitigate the risks associated with septic systems.

### Regulatory Barriers and Considerations

- Despite regulations allowing for multifamily developments in residential zones, the required multifamily densities are so low as to be impractical for development.
- The requirement in the Affordable Accessory Apartment Program that accessory apartments be affordable may provide a barrier to their development due to the regulatory process, marketing requirements, and administrative responsibilities.
- The DCD and NCD Commercial Districts allow single-family homes by right and mixed-use buildings by special permit, as well as multifamily housing of one to six units on structures already existing on the lot by special permit.
- Under the Affordable Housing Conditional Density Bonus program, the Planning Board can issue a special permit requiring that a minimum of 30 percent of units in OSRP or OSMP developments be sold and maintained at affordable prices.

## IMPLEMENTATION CAPACITY AND RESOURCES KEY FINDINGS (CHAPTER 6)

- A new Open Space Multifamily Development is planned at Locke Brook Estates. One unit will be designated as affordable and transferred to Habitat for Humanity.
- Although the Townsend Housing Authority does not own or manage any properties, the board is very active in town housing policy and initiatives, educating the public, seeking state and federal funding where possible, and assisting with Local Initiative Partnerships with Habitat for Humanity and other agencies.
- Townsend does not have Community Preservation Act funding, one potential local source for affordable housing development.
- Townsend has recently hired a land use coordinator, which will increase capacity for implementation of this plan and regulatory review in general.
- The Townsend Affordable Housing Trust appears to have limited long-term revenue streams, but has recently (as of January 2022) been allocated \$100,000 of the town's ARPA funds.

## SUMMARY OF HPP GOALS

As explained in Chapter 2, this plan includes the following five goals:

1. Promote incremental housing production to meet the state's goals and preserve existing affordable units
2. Address changing local needs, including an aging population, with a greater variety of housing options as alternatives to conventional single-family houses
3. Minimize environmental impacts of new development by promoting new housing options in strategic locations and through reuse opportunities
4. Support older adult residents, veterans, and other vulnerable populations by promoting affordable, accessible housing and needed support services
5. Increase Townsend's capacity to implement housing initiatives through enhanced local and regional coordination and community outreach

## SUMMARY OF HPP STRATEGIES

Achieving the community's five-year goals will require a variety of regulatory, programmatic, and policy strategies. The strategies, described in detail in Chapter 2, are intended to offer multiple ways that the community can work to achieve its goals. Many of these strategies are contingent on factors beyond the municipality's control, including market opportunities and funding availability. All strategies will require local approvals in accordance with all applicable laws and regulations. The strategies are organized in three categories and are in no particular order:

- Planning, Policies, and Zoning Strategies
- Local Initiatives and Programmatic Strategies
- Capacity, Education, and Coordination

## PLANNING, POLICIES, AND ZONING STRATEGIES

The Town's authority to update zoning regulations can have powerful effects to encourage private responses to address local housing needs with minimal local expenditure. The following strategies incorporate recommendations for both local planning initiatives and zoning amendments.

1. Consider amendments to the accessory apartment provisions to remove affordability requirements and create a by-right option.

2. Work with the Board of Health to investigate alternative and innovative individual or shared wastewater treatment systems and potential regulatory changes, such as to create more flexibility per the Sub Surface Sewage Disposal Regulations in areas with minimal environmental constraints.
3. Consider amendments to zoning regulations to create more flexibility for new housing development in areas with minimal environmental constraints.
4. Adopt local guidelines for development applications for the Local Initiative Program.
5. Conduct a planning area study to investigate the possible creation of a 40R district in two villages and along the Route 119 Corridor.
6. Consider zoning amendments to allow for development of affordable housing on nonconforming lots.
7. Consider adopting an Inclusionary Zoning bylaw based on a study evaluating options and identifying best practices.
8. Study options for compliance with the new multifamily zoning requirement for MBTA communities.

### LOCAL INITIATIVE AND PROGRAMMATIC STRATEGIES

Local initiative strategies refer to recommendations that the Town can undertake to foster the creation of more housing options, especially affordable housing. These initiatives are not regulatory in nature - they deal with allocation of Town resources including staff time, funding, and property:

9. Investigate the feasibility of promoting smaller developments on several parcels owned by the Townsend Affordable Housing Trust (TAHT).
10. Create a process to maintain an updated inventory of tax title properties and promote housing development on tax title land.
11. Investigate feasibility to develop Veteran's housing.
12. Continue to seek CDBG funds to preserve and maintain older existing housing stock through the local rehab program.

### CAPACITY, EDUCATION, AND COORDINATION

The following strategies are recommendations for expanding the Town's capacity to implement housing initiatives, promote education, and to coordinate housing initiatives with other local or regional entities:

13. Produce educational information to promote ADUs as a housing option throughout the community.
14. Collaborate regionally with neighboring towns and the MRPC to provide information to promote community understanding of housing needs and opportunities and the regulatory framework of 40B.
15. Consider adopting the Community Preservation Act to provide funding for community preservation including eligible community housing initiatives.
16. Ensure continued funding for the reinstated Land Use Coordinator position (which has been recently filled at full-time, 35 hours per week).
17. Create a regular, predictable funding source for the Affordable Housing Trust and a five-year action plan to enhance the Trust's effectiveness (CPA, IZ payments, and ARPA funds).
18. Develop and maintain relationships with local and regional developers to pursue collaborative initiatives for housing production.
19. Designate the Housing Authority as a local HPP oversight entity and perform annual review of status of HPP goals and strategies.

# CHAPTER 2: HOUSING GOALS AND STRATEGIES

A Housing Production Plan can help communities shape the location and type of future housing development and address affordable housing needs. Townsend’s housing goals and strategies go beyond meeting minimum requirements for producing housing units eligible for inclusion on the Subsidized Housing Inventory (SHI). This plan also emphasizes the need for a mix of housing options for a variety of housing preferences, including accessible housing and housing choices for seniors.

These goals and strategies are based on a comprehensive housing needs and development constraints analysis, other current local plans and policies, as well as the consultant’s recommendations and best practices. The HPP’s goals and strategies are intended to provide guidance for local housing policies and initiatives as well as a path for certification (a.k.a., safe harbor), but do not bind future actions or decisions of local officials or Town Meeting.

***How could Townsend protect natural, rural, and historic assets of the community while still creating more housing options to address local housing needs?***

This question is at the heart of this planning effort and the goals and strategies described here are intended to address these questions.

## FIVE-YEAR GOALS

The goals of this plan are consistent with the Comprehensive Permit Regulations (760 CMR 56) as required by DHCD for Housing Production Plans:

- a) *a mix of types of housing, consistent with local and regional needs and feasible within the housing market in which they will be situated, including rental, homeownership, and other occupancy arrangements, if any, for families, individuals, persons with special needs, and the elderly.*
- b) *a numerical goal for annual housing production, pursuant to which there is an increase in the municipality’s number of SHI Eligible Housing units by at least 0.50 percent of its total units (as determined in accordance with 760 CMR 56.03(3)(a)) during every calendar year included in the HPP, until the overall percentage exceeds the Statutory Minimum set forth in 760 CMR 56.03(3)(a).*

As explained in detail below, this plan includes the following five goals:

1. Promote incremental housing production to meet the state’s goals and preserve existing affordable units.
2. Address changing local needs, including an aging population, with a greater variety of housing options as alternatives to conventional single-family houses.
3. Minimize environmental impacts of new development by promoting new housing options in strategic locations and through reuse opportunities
4. Support older adult residents, veterans, and other vulnerable populations by promoting affordable, accessible housing and needed support services
5. Increase Townsend’s capacity to implement housing initiatives through enhanced local and regional coordination and community outreach.

### 1. PROMOTE INCREMENTAL HOUSING PRODUCTION TO MEET THE STATE’S GOALS AND PRESERVE EXISTING AFFORDABLE UNITS

Townsend will actively strive to create a minimum of 17 homes annually that count on the Subsidized Housing Inventory (SHI) towards the state’s 10 percent goal per MGL c.40B. This minimum incremental rate of production would enable the Town to enter one-year periods of “safe harbor” with the certification of this

HPP and help the Town reach the 10 percent goal in about 11 years or less by creating at least 191 units that are eligible for listing on the SHI. The Town will also work to actively preserve and maintain the existing affordable housing stock.

The Town will strive to ensure that all affordable housing produced shall be in accordance with DHCD's Comprehensive Permit Guidelines and regulations including with long-term affordability restrictions.<sup>3</sup>

## **2. ADDRESS CHANGING LOCAL NEEDS, INCLUDING AN AGING POPULATION, WITH A GREATER VARIETY OF HOUSING OPTIONS AS ALTERNATIVES TO CONVENTIONAL SINGLE-FAMILY HOUSES**

The Town needs a greater variety of housing options to meet local housing needs and to help promote a socio-economically diverse population. This includes housing for older adults, individuals with special needs, low/moderate-income (LMI) households, and smaller (one to two-person) households. The Town will continue to promote and encourage initiatives to create affordable housing to help meet local housing needs, especially smaller market-rate rental housing units such as studio, one-bedroom, and two-bedroom apartments, as well as rental housing affordable for households at or below 30 percent and 50 percent of the Area Median Income (AMI).

The Town will continue to promote a variety of housing options including affordable opportunities for older adults to downsize as well as accessible and service-enriched housing for individuals and families with special needs, again including older adults.

## **3. MINIMIZE ENVIRONMENTAL IMPACTS OF NEW DEVELOPMENT BY PROMOTING NEW HOUSING OPTIONS IN STRATEGIC LOCATIONS AND THROUGH REUSE OPPORTUNITIES**

Townsend has significant environmental development constraints. About 89.6 percent of Townsend has environmental constraints including land important for drinking water protection, wetlands, flood zones, and habitat resource areas including the Squannassit Area of Critical Environmental Concern. Townsend's wastewater infrastructure relies on individual private septic systems and about half of properties have private wells for drinking water and half are served by Town wells.

Strategic areas for accommodating a variety of housing options are areas with minimal environmental constraints and those that provide redevelopment opportunities, particularly in Town Center, West Townsend, and along the Route 119 corridor.

Protection of open space, water resources, and habitat land is a critical need for long-term sustainability and resilience<sup>4</sup>. Areas for new residential development opportunities include minimally constrained land in the southeast central area of Townsend, south of Route 119, near Blood Road, Bayberry Hill Road, Clement Road, and Fitchburg Road, as shown in the map later in this chapter.

In addition, reuse of the existing building stock as opportunities arise to create affordable housing and other housing options including smaller market-rate rental units should be prioritized.

## **4. SUPPORT OLDER ADULT RESIDENTS, VETERANS, AND OTHER VULNERABLE POPULATIONS BY PROMOTING AFFORDABLE, ACCESSIBLE HOUSING AND NEEDED SUPPORT SERVICES**

Assist older adult residents, veterans, and other vulnerable populations with housing costs including fuel/heating, taxes, transportation, rent, and home efficiency and accessibility improvements and expand assistance to provide more support, particularly as Townsend's older adult population grows. Leverage

---

<sup>3</sup> As described in Section 9 on page VI-10 of the MGL c.40B Comprehensive Permit Guidelines, December 2014.

<sup>4</sup> Per the US Environmental Protection Agency's definition, sustainability is based on a simple principle: Everything that we need for our survival and well-being depends, either directly or indirectly, on our natural environment. To pursue sustainability is to create and maintain the conditions under which humans and nature can exist in productive harmony to support present and future generations. Resilience means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions.

state and other public/private programs to maximize such support and creation of affordable, accessible, and service-enriched housing options.

## 5. INCREASE TOWNSEND’S CAPACITY TO IMPLEMENT HOUSING INITIATIVES THROUGH ENHANCED LOCAL AND REGIONAL COORDINATION AND COMMUNITY OUTREACH

Townsend has demonstrated a great ability to produce housing and implement local initiatives with limited resources. However, increasing local capacity will benefit the town so it can successfully reach local housing goals. Additional and ongoing professional planning support, predictable revenue for the new Affordable Housing Trust, community outreach, and coordination among local entities will strengthen the town’s ability to continue its strong track record.

## GOALS AND STRATEGIES MATRIX

The strategies, which are described in greater detail on the following pages, are summarized in the matrix below that indicates which goal or goals each strategy could help Townsend to achieve.

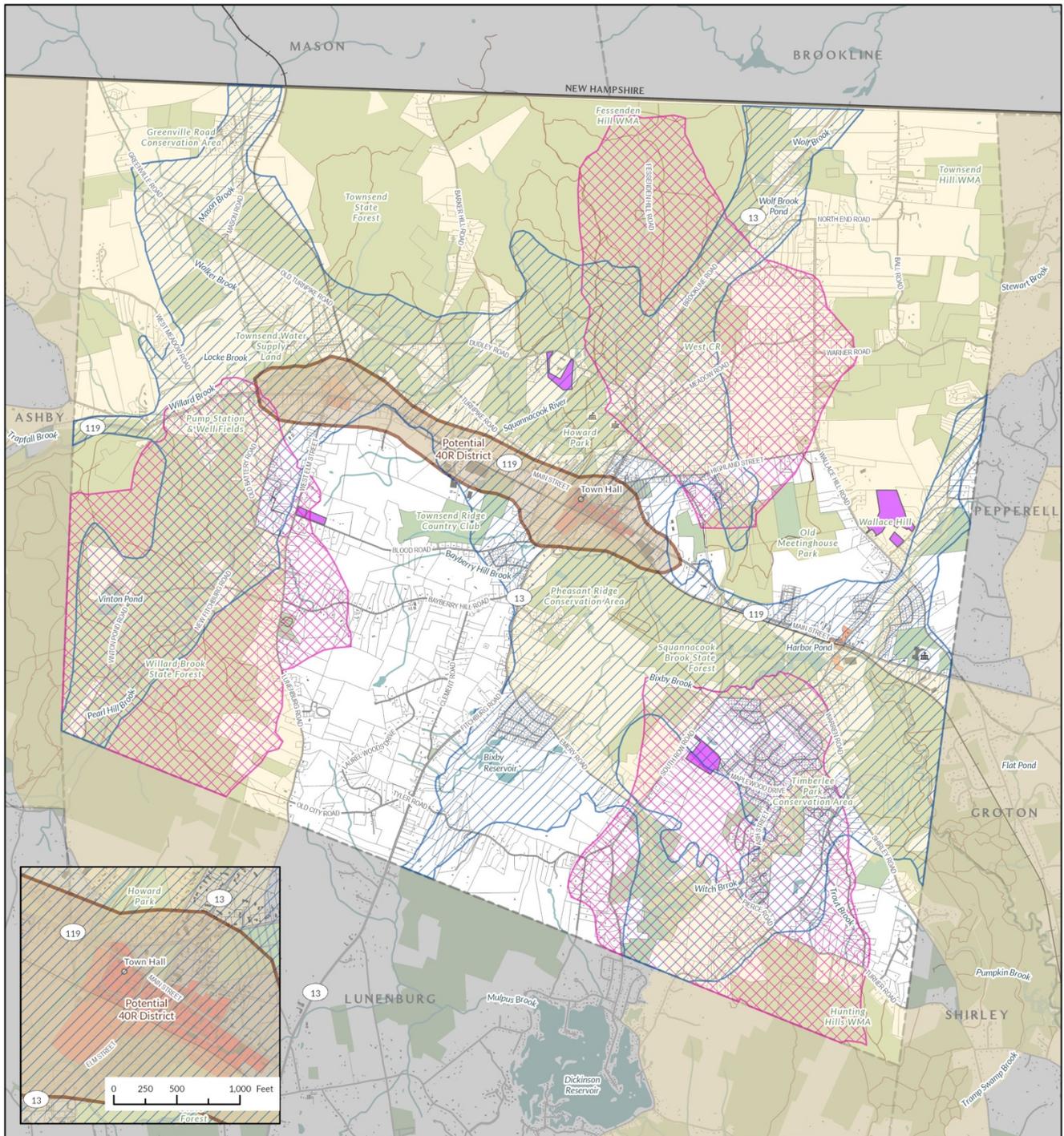
Type	#	Strategy	Production	Local Needs	Strategic Locations	Vulnerable Populations	Capacity
			G1	G2	G3	G4	G5
Planning, Policies, & Zoning	1	Consider amendments to the accessory apartment provisions to remove affordability requirements and create a by-right option.		X	X		
	2	Work with the Board of Health to investigate alternative and innovative individual or shared wastewater treatment systems and potential regulatory changes, such as to create more flexibility per the Sub Surface Sewage Disposal Regulations in areas with minimal environmental constraints.	X	X	X		
	3	Consider amendments to zoning regulations to create more flexibility for new housing development in areas with minimal environmental constraints.	X	X	X		
	4	Adopt local guidelines for development applications for the Local Initiative Program.		X		X	
	5	Conduct a planning area study to investigate the possible creation of a 40R district in two villages and along the Route 119 Corridor.	X	X	X		
	6	Consider zoning amendments to allow for development of affordable housing on nonconforming lots.	X	X	X		
	7	Consider adopting an Inclusionary Zoning bylaw based on a study evaluating options and identifying best practices.	X	X	X		
	8	Study options for compliance with the new multifamily zoning requirement for MBTA communities.	X		X		
Local Initiatives & Programmatic	9	Investigate the feasibility of promoting smaller developments on several parcels owned by the Townsend Affordable Housing Trust (TAHT).	X	X		X	
	10	Create a process to maintain an updated inventory of tax title properties and promote housing development on tax title land.	X	X	X		
	11	Investigate feasibility to develop Veteran’s housing.				X	
	12	Continue to seek CDBG funds to preserve and maintain older existing housing stock through the local rehab program.		X		X	

Type	#	Strategy	Production	Local Needs	Strategic Locations	Vulnerable Populations	Capacity
			G1	G2	G3	G4	G5
Capacity, Education & Coordination	13	Produce educational information to promote ADUs as a housing option throughout the community.		X	X		
	14	Collaborate regionally with neighboring towns and the MRPC to provide information to promote community understanding of housing needs and opportunities and the regulatory framework of 40B.					X
	15	Consider adopting the Community Preservation Act to provide funding for community preservation including eligible community housing initiatives.					X
	16	Ensure continued funding for the reinstated Land Use Coordinator position (which is budgeted as full-time, 35 hours per week).					X
	17	Create a regular, predictable funding source for the Affordable Housing Trust and a five-year action plan to enhance the Trust's effectiveness (CPA, IZ payments, and ARPA funds).					X
	18	Develop and maintain relationships with local and regional developers to pursue collaborative initiatives for housing production.					X
	19	Designate the Housing Authority as a local HPP oversight entity and perform annual review of status of HPP goals and strategies.					X

# TOWN OF TOWNSEND - ZONING AND LOCAL INITIATIVE STRATEGIES

J M GOLDSON

Prepared by JM Goldson LLC



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Aquifer Protection Overlay
- Groundwater Protection Overlay
- Areas of Critical Environmental Concern
- Downtown Commercial [DCD]
- Neighborhood Commercial [NCD]
- Potential 40R Villages
- Affordable Housing Trust Owned Properties



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap, FEMA

## FIVE-YEAR STRATEGIES

Achieving the community's five-year goals will require a variety of regulatory, programmatic, and policy strategies. This section includes descriptions of local regulatory strategies, local initiatives, and strategies that deal with implementation capacity, education, and outreach.

The intent of these strategies is not to suggest that Townsend will implement all these strategies over five years, but to offer multiple ways that the community can work to achieve its goals. Many of these strategies are contingent on factors beyond the municipality's control, including market opportunities and funding availability. All strategies will require local approvals in accordance with all applicable laws and regulations.

This plan's strategies comply with the requirements of the Comprehensive Permit Regulations (760 CMR 56), which are summarized as follows:

*The HPP shall address the matters set out in the Department's guidelines, including an explanation of the specific strategies by which the municipality will achieve its housing production goal, and a schedule for implementation of the goals and strategies for production of units, including all the following strategies, to the extent applicable:*

- a) *the identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating SHI Eligible Housing developments to meet its housing production goal.*
- b) *the identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications.*
- c) *characteristics of proposed residential or mixed-use developments that would be preferred by the municipality (examples might include cluster developments, adaptive re-use, transit-oriented housing, mixed-use development, inclusionary housing, etc.).*
- d) *municipally owned parcels for which the municipality commits to issue requests for proposals to develop SHI Eligible Housing; and/or*
- e) *participation in regional collaborations addressing housing development.*

The strategies are organized in three categories and are not in order of priority:

- A. Planning, Policies, and Zoning Strategies
- B. Local Initiatives and Programmatic Strategies
- C. Capacity, Education, and Coordination

An action plan matrix is included at the end of this chapter that recommends sequencing of strategies over the five-year planning horizon and lists responsible entities.

## PLANNING, POLICIES, AND ZONING STRATEGIES

The Town's authority to update zoning regulations can have powerful effects to encourage private responses to address local housing needs with minimal local expenditure. The following strategies incorporate recommendations for both local planning initiatives and zoning amendments.

### 1. Consider amendments to the accessory apartment provisions to remove affordability requirements and create a by-right option

An Accessory Dwelling Unit (ADU) is an apartment within or on the property with a single-family house. The property appears from the street to be a single-family, not a two-family house. As of the 2018 Pioneer Institute report, included in the list of more information below, about 37 of 100 cities and towns surrounding Boston allow ADUs and an additional 31 allow ADUs only under temporary circumstances.

Accessory apartments, either as an alteration to a single-family dwelling or conversion of a detached accessory building (garage, barn, or gate house) can help diversify a community's housing stock by providing smaller rental units for increasing numbers of smaller households. They are also typically more affordable and can provide income to cost burdened owners.

The Town allows accessory apartments in residential districts and encourages their use as affordable housing through amendments to the Bylaw in 1989-91 and again in 2019. Accessory apartments are allowed by special permit, provided the property owner lives in the primary residence. The maximum gross floor area is 800 sq. ft. or 35 percent of the combined floor area of the residence and unit.

The Town also has Affordable Accessory Apartment provisions that are intended to increase the supply of low- and moderate-income housing to be included on the SHI. These apartments must be approved through the state's Local Initiative Program and have a minimum 15-year affordability restriction. The apartment must be rented to income-qualified tenants selected through an open process. All new accessory apartments and all renewals of existing accessory apartment permits must now be constructed as part of the Affordable Accessory Apartment Program to ensure low- or moderate-income occupancy for at least 15 years, with fines imposed for violations.

However, the requirement in the Affordable Accessory Apartment Program that accessory apartments be affordable may provide a barrier to the creation of accessory apartments due to the regulatory process, marketing requirements, and administrative responsibilities. As a town whose zoning is primarily single-family, a progressive ADU bylaw could create opportunities for small-scale, incremental housing in town. As stated by AARP at its *All About Accessory Dwelling Units* website included as more information below:

**Housing Choice Legislation:  
Lower Voting Threshold**

The Housing Choice legislation also lowers the voting threshold from a 2/3rds supermajority to a simple majority for key zoning amendments that are intended to promote housing production including by-right multifamily housing or mixed-use development in eligible locations; by-right accessory dwelling units; by-right open space residential development; Chapter 40R Smart growth zoning districts or starter home zoning districts; Transfer of Development Rights or natural resource protection bylaws (that do not reduce the overall number of housing units that can be built); and modifications to bulk, height, setback, and other dimensional requirements that would allow for additional housing units to be built.

There are also provisions for allowing some special permit uses to be adopted by majority vote including reducing parking ratio requirements if the reduction would produce more housing units.

For more information see the [Metropolitan Area Planning Council webpage "Housing Choice at a Glance."](#)

***As small houses or apartments that exist on the same property lot as a single-family residence, ADUs play a major role in serving a national housing need. This traditional home type is re-emerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.***

Consider allowing more flexibility to create ADUs by removing the affordability requirement and allowing ADU's as of right within the principal dwelling or an existing detached structure on the same lot that meets the minimum lot area requirements. The revisions suggested above appear to qualify for a simple majority vote of Town Meeting per the recently enacted Housing Choice Legislation.

Also consider creating a special permit option for properties that do not meet the minimum lot area or other dimensional requirements.

**More information:**

- MAPC Living Little Report, 2018: <http://ma-medfield.civicplus.com/DocumentCenter/View/1687/Living-Little-Report-MAPC-2018-PDF>
- Pioneer Institute and Dain, Amy, *The State of Zoning for Accessory Dwelling Units*, White Paper No. 184, July 2018: <https://masmartgrowth.wpengine.com/wp-content/uploads/2019/01/ADU-MSGA-Pioneer-paper-2018.pdf>
- AARP, *All About Accessory Dwelling Units*: <https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html>

**2. Work with the Board of Health to investigate alternative and innovative individual or shared wastewater treatment systems and potential regulatory changes, such as to create more flexibility per the Sub Surface Sewage Disposal Regulations in areas with minimal environmental constraints**

Townsend's Sub Surface Sewage Disposal Regulations are relatively stringent but consistent with Massachusetts Title 5 requirements. The main issue dictated by Title 5 involves nitrogen loading from septic systems which contaminates drinking water. This is particularly problematic when a property is served both by a private well and a septic system, in which case Title 5 allows one bedroom per 10,000 square feet. Currently about half of Townsend's housing units are served by town water.

Per recent communication with the Nashoba Associated Boards of Health in December 2021, the most likely change that could be made in Townsend's regulations would be to eliminate the requirement that the septic system must be on the same property that it is serving. This is in place to avoid historically complex and costly situations where abutting property owners decide to share a septic system. However, the Townsend Board of Health has granted variances from this rule in the past for cluster developments, notably the Coppersmith Way development. Moving forward, the Board could consider easing that restriction for areas with minimal environmental constraints.

**More information:**

- A report prepared for the Massachusetts Housing Partnership by Joseph De. Peznola, PE – Hancock Associates, *Sewage Rules Create Gap in Housing Supply in Massachusetts*, 2015: [https://www.mhp.net/writable/resources/documents/sewer\\_rules\\_housing\\_supply.pdf](https://www.mhp.net/writable/resources/documents/sewer_rules_housing_supply.pdf)

**3. Consider amendments to zoning regulations to create more flexibility for new housing development in areas with minimal environmental constraints**

Study options and consider adopting an affordable housing overlay that could be applied to properties by special permit by the Planning Board on properties of a specified minimum size. Such an overlay would provide flexibility to waive underlying density and dimensional requirements (with minimum/maximum standards) for developments that create SHI-eligible units and could be applicable to lots of a certain specified minimum size and/or in certain zoning districts or locations with proximity to certain public amenities or other services, etc.

As part of this effort, work with an architect to create local, Townsend-specific design standards to ensure contextual architectural compatibility.

This type of overlay provisions could be like Dennis's local affordable housing bylaw that provides flexibility to waive dimensional and density requirements (within limits and design guidelines) in return for development of affordable housing.

**More information:**

Town of Dennis Zoning Bylaw, Section 69 4.9.1 “Provisions to Encourage the Development of Affordable Housing in Dennis”:

<https://www.town.dennis.ma.us/sites/g/files/vyhlf3016f/uploads/zoningbylaw5-2-2017.pdf> .

**4. Adopt local guidelines for development applications for the Local Initiative Program**

The Local Initiative Program (LIP) is a state housing program administered by the Department of Housing and Community Development (DHCD). The LIP program is intended to encourage communities to produce SHI-eligible housing as a locally sponsored Comprehensive Permit by providing state technical assistance from DHCD (rather than a financial subsidy). Through the LIP process, the Town works with proponents to facilitate the development of affordable housing that helps address Townsend’s local housing needs.

Such local LIP guidelines could include project review procedures clarifying the role of the Townsend Housing Authority, Townsend Affordable Housing Trust, and Board of Selectmen. For example, in Medfield, the local affordable housing trust meets with developers very early in the process (prior to submitting a pre-application), asks for evidence of meetings with neighbors and town staff, then holds a public meeting to formally discuss a potential project application. The housing trust works with the developer to refine the proposal.

The local LIP guidelines could also include specific local project preferences to help meet defined local needs and design requirements (within reason). In Townsend, there is a need for affordable housing for extremely low and very low-income households – such a preference could be stated in the local guidelines.

**More information:**

- Medfield MAHT Action Plan 2018-2020, with Guidelines for LIP/MAHT Initiatives on page 8: <https://www.town.medfield.net/DocumentCenter/View/1653/MAHT-Action-Plan---Approved-04-03-18-PDF>

**5. Conduct a planning area study to investigate the possible creation of a 40R district in two villages and along the Route 119 Corridor**

A planning study of the Townsend Town Center and West Townsend areas along with the area of the Route 199 corridor that connects these two villages could help clarify the community’s vision for the future of this area and could consider if the town wishes to adopt zoning mechanisms such as a Smart Growth Zoning Overlay District Act, Chapter 149 of the Acts of 2004, codified as M.G.L. c. 40R. A rough outline of the potential area is shown on the map earlier in this chapter.

The Smart Growth Zoning Overlay District Act was enacted to encourage communities to create dense residential or mixed-use Smart Growth Zoning Overlay Districts, including a high percentage of smaller affordable housing units, to be located near transit stations and, in areas of concentrated development such as existing city and town centers, and in other highly suitable locations.<sup>11</sup>

Such 40R Smart Growth districts are often created in areas with historic resources and can promote the rehabilitation and reuse of historic and other existing buildings to support the creation of affordable and mixed-income housing. Townsend Town Center and West Townsend are both designated as Local Historic Districts. Note that 40R districts do not change or supersede the provisions of a local historic district or the historic district commission’s authority per a local historic district.

Chapter 40R provides financial incentives for communities to establish Smart Growth Overlay Zoning Districts allowing a minimum of 20 units per acre for multifamily houses, 12 units per acre for two- and three-family houses, and 8 units per acre for single-family houses. In addition, Chapter 40R provides bonus payments for units constructed as a result of the greater density afforded in the districts.

To determine the appropriateness of creating either a Smart Growth zoning overlay district in these areas, undertake a planning study that considers potential opportunities and constraints for development and redevelopment including identification of historic resources, such as those within the local historic districts.

**More information:**

- DHCD’s website “Chapter 40R”: <https://www.mass.gov/service-details/chapter-40r>

## 6. Consider zoning amendments to allow for development of affordable housing on nonconforming lots

While smart-growth locations with good access to services are beneficial for multi-family and affordable/mixed-income housing, there are also benefits of scattering more affordable housing options, especially affordable single-family units, in single-family neighborhoods of Townsend.

One strategy to encourage scattered-site affordable homes is to allow single-family development on nonconforming lots, contingent on meeting all board of health requirements for on-site septic and connection to public water. Through updated zoning, the Town can allow affordable deed-restricted single-family homes on smaller or odd-shaped vacant lots that are compatible with the existing single-family neighborhoods but otherwise undevelopable. Target areas of town that would have the least environmental impacts.

## 7. Consider adopting an Inclusionary Zoning bylaw based on a study evaluating options and identifying best practices

Inclusionary Zoning (IZ) ties the development of market-rate housing with affordable housing units to help increase a community’s supply of affordable units. This type of zoning policy can help a community maintain or increase its percentage of housing units that are eligible for the SHI. According to the MAPC Inclusionary Zoning and Payment in Lieu of Units Analysis, there are over 300 communities in the state that have enacted IZ provisions. As stated in the MAPC Analysis:

***Effective IZ is tailored to local market conditions and can set standards that do not overburden new development or negatively impact the pace of development, while also resulting in meaningful increases in affordable units.***

Consider options for Inclusionary Zoning (IZ) for Townsend that would require that residential developments above a certain number of units or size include a minimum percentage of affordable units or an in-lieu payment to the Townsend Affordable Housing Trust.

As an example, the Town of Lincoln’s IZ provisions require affordable housing units for any development or division of land that results in the creation of six or more dwelling units per the following schedule.

**14.5.2.1 This section shall be applied based on the following schedule for the number of units or lots in a proposed development:**

<u># of dwelling units proposed</u>	<u># of affordable units to be constructed</u>
6 – 10 units	one affordable unit
11 – 18 units	two affordable units
19 – 24 units	three affordable units
25 – 30 units	four affordable units
over 30 units	fifteen percent (15%) of the proposed project units rounded up to the nearest whole number

Study options to determine potential effectiveness in Townsend given market considerations. This study could be conducted by a private consultant or by the Montachusett Regional Planning Commission (MRPC), Townsend’s regional planning organization. The IZ bylaw can include a payment-in-lieu path for compliance that could provide revenue to the Affordable Housing Trust.

**More information:**

- MAPC, *Inclusionary Zoning and Payment in Lieu of Units Analysis*: [https://www.rhsohousing.org/sites/g/files/vyhlf421/f/uploads/final\\_report\\_-\\_rhso\\_07.18.18.pdf](https://www.rhsohousing.org/sites/g/files/vyhlf421/f/uploads/final_report_-_rhso_07.18.18.pdf)
- Grounded Solutions Network, *Advancing Racial Equity in Inclusionary Housing Programs: A Guide for Policy and Practice*, February 2021: <https://groundedsolutions.org/tools-for-success/resource-library/racial-equity-inclusionary-housing>
- Examples: MA Smart Growth/Smart Energy Toolkit Case Studies: <https://www.mass.gov/service-details/case-studies-inclusionary-zoning>

**8. Study options for compliance with the new multifamily zoning requirement for MBTA communities.**

In January 2021, the state enacted Section 3A of MGL c. 40A (the Zoning Act) which requires that MBTA communities have one zoning district in which multifamily housing is permitted by right, with minimum density requirements and no age restrictions. Townsend is classified as an “MBTA adjacent” community and is therefore subject to this requirement. Municipalities not in compliance with this requirement will be ineligible for funding from the Housing Choice Initiative, Local Capital Projects Fund, or MassWorks Infrastructure Program.

Study potential zoning changes which would be required to comply with this requirement. The details of the program are currently undergoing public comment, with full guidelines for compliance to be released in summer 2022.

**More information:**

- Mass.gov, *Multi-Family Zoning Regulations for MBTA Communities*: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

## LOCAL INITIATIVE AND PROGRAMMATIC STRATEGIES

Local initiative strategies refer to recommendations that the Town can undertake to foster the creation of more housing options, especially affordable housing. These initiatives are not regulatory in nature - they deal with allocation of Town resources including staff time, funding, and property.

### 9. Investigate the feasibility of promoting smaller developments on several parcels owned by the Townsend Affordable Housing Trust (TAHT)

In October 2021, Town Meeting approved the transfer of six properties to the TAHT for the purpose of creating affordable housing. The properties will be officially transferred to the TAHT once funding is available to pay the filing fees, likely from America Rescue Plan Act (ARPA) funds. The town estimates this will take place in October 2022.

**Property 1:** The first property is a 19.3-acre vacant parcel off South Row Road which was identified as a potential location for affordable housing in the 2015 Housing Production Plan, but the state denied funding due to the lack of frontage, the long driveway, and wetland and septic concerns, so the project was abandoned. Recently, Town Properties has suggested that this parcel be reconsidered as a potential development site. It was suggested that the single entrance could be converted into a loop for two-way access. It may also be possible for the town or trust to purchase one of the abutting properties to increase the frontage. The parcel is in a groundwater protection zone and most of it also lies within an aquifer protection zone but given the board of health's previous variances granted for OSPD or OSMD projects, it may be possible to find a suitable septic system solution for this parcel if developed strategically.

**Property 2:** The second property is 11.85 acres adjacent to the existing affordable and senior housing at Atwood Acres and is earmarked for future affordable/senior veterans housing. It is located on Dudley Road in a Residential Aquifer (RA) base zone and is within the Aquifer Protection Overlay but not the Groundwater Protection Overlay.

There are four vacant parcels totaling 41.4 acres which were tax takings that have been approved for transfer to the Trust, shown on the map earlier in this chapter:

**Property 3:** This is a 31.4 acre vacant property with frontage onto Haynes Road and a small amount of frontage onto Wallace Hill Road. It is zoned Residential B (RB) and is not within any environmentally constrained areas. It is currently a forested area.

**Property 4:** This is a 3 acre vacant property very near, but not abutting, Property 3. It is also a forested area with frontage onto Haynes Road. It is zoned Residential B (RB) and is not within any environmentally constrained areas.

**Properties 5 and 6:** These are two abutting rectangular properties; Property 5 is on the corner of West Elm Street and Blood Road and Property 6 continues with one side fronting on to Blood Road. They are partially in the Residential B (RB) zone and partially in Residential Aquifer (RA). The portion in the RA zone is in the Aquifer Protection Overlay District. They are forested areas. Across Blood Road are several single-family homes on large lots.

After any preliminary due diligence to investigate potential the constraints or limitations for development, such as survey work, title work, preliminary yield study, the TAHT should issue Requests for Proposals (RFPs) to seek development proposals for these properties to create affordable housing to meet local needs.

**More information:**

- Massachusetts Housing Partnership's Guide: Developing Affordable Housing on Public Land (2005): [https://www.mhp.net/writable/resources/documents/mhp\\_public\\_land\\_guide2.pdf](https://www.mhp.net/writable/resources/documents/mhp_public_land_guide2.pdf)

## **10. Create a process to maintain an updated inventory of tax title properties and promote housing development on tax title land**

Working through the Town Property Committee, Townsend should continue to actively maintain and regularly vet a current list and map of town-owned and tax-foreclosed properties that may have potential for affordable/mixed-income housing. Properties with potential for housing creation should be transferred to the Townsend Affordable Housing Trust (TAHT). Potential developments on these sites could be 100 percent affordable to low- and moderate-income (LMI) households or a mix of units affordable to various income levels, including LMI households, middle-income households, and market-rate units. Creating market-rate units in a development with affordable units can help make developments economically feasible by generating cross subsidies that help to offset the costs of providing affordable units.

Local initiatives on municipally owned properties can provide the town greater oversight on the design, density, and other characteristics of a development. This initiative would provide the TAHT with property to offer through a 30B-compliant Request for Proposal process to developers to create affordable or mixed-income housing.

## **11. Investigate feasibility to develop Veteran's housing**

TAHT properties could provide opportunities to create Veteran's housing. Supportive permanent housing for low-income veterans and their families is an important homeless prevention strategy. A variety of organizations provide this type of housing, including Caritas Communities program "Homes Helping Heroes." Through an RFP process, the TAHT could target such housing on one or more of its properties.

**More information:**

- Homes Helping Heroes: <https://caritascommunities.org/our-programs/veterans-housing/>
- Peabody Properties: <https://www.peabodyproperties.com/services/property-management/veterans-supportive-housing/>

## **12. Continue to seek CDBG funds to preserve and maintain older existing housing stock through the local rehab program**

Townsend has been securing federal Community Development Block Grant funds to offer housing rehabilitation funds. The program is administered by the Community Opportunities Group. The funds are available to improve heating systems, windows, septic systems, painting, and other rehabilitation needs. The program provides both financial assistance and technical assistance. Homeowners must be income-eligible and must meet lead paint requirements. Owners or investors of rental properties must agree to a rental agreement that requires renting to LMI households. The maximum assistance per unit is \$35,000 or \$40,000 if de-leading is involved.

**More information:**

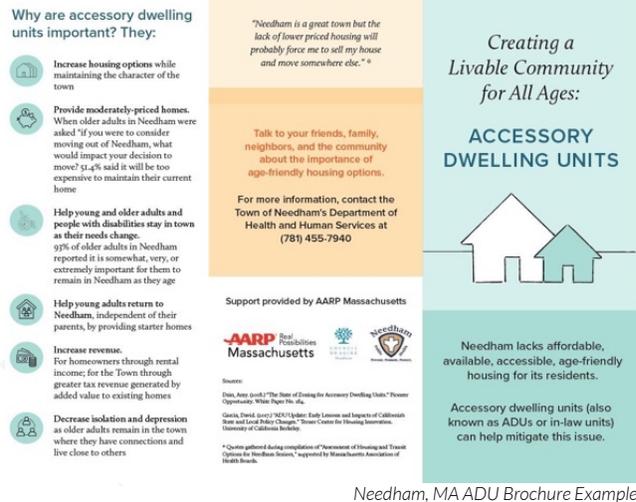
- Townsend program website: <https://www.townsendma.gov/home/news/housing-rehab-assistance-available-new-applicants-sought>

## CAPACITY, EDUCATION, AND COORDINATION

The following strategies are recommendations for expanding the Town's capacity to implement housing initiatives, promote education, and to coordinate housing initiatives with other local or regional entities.

### 13. Produce educational information to promote ADUs as a housing option throughout the community.

Currently, there is a lack of clear and accessible information on Townsend's ADU policy and requirements which may be preventing homeowners from developing accessory units. Additionally, ADU requirements are found in several different sections of the Zoning Ordinance, which can cause confusion. Educational information could take several forms, including a simple brochure for the community with overall information on ADUs as shown here, a document with the relevant zoning code and permit requirements, and a page on the city's website with ADU information consolidated in one place.



The image shows a sample ADU brochure for Needham, MA. It is divided into several sections. On the left, under the heading "Why are accessory dwelling units important? They:", there are six bullet points with icons: 1. Increase housing options while maintaining the character of the town. 2. Provide moderately-priced homes. When older adults in Needham were asked "if you were to consider moving out of Needham, what would impact your decision to move?" 51.4% said it will be too expensive to maintain their current home. 3. Help young and older adults and people with disabilities stay in town as their needs change. 95% of older adults in Needham reported it is somewhat, very, or extremely important for them to remain in Needham as they age. 4. Help young adults return to Needham, independent of their parents, by providing starter homes. 5. Increase revenue. For homeowners through rental income; for the Town through greater tax revenue generated by added value to existing homes. 6. Decrease isolation and depression as older adults remain in the town where they have connections and live close to others. The main body of the brochure features a quote: "Needham is a great town but the lack of lower priced housing will probably force me to sell my house and move somewhere else." \* Below this is a call to action: "Talk to your friends, family, neighbors, and the community about the importance of age-friendly housing options." and contact information for the Town of Needham's Department of Health and Human Services at (781) 455-7940. Logos for AARP of Massachusetts, Needham, and the Town of Needham are present. At the bottom, it states "Support provided by AARP Massachusetts". On the right side, there is a vertical banner with the title "Creating a Livable Community for All Ages: ACCESSORY DWELLING UNITS" and an illustration of a house. Below the illustration, it says "Needham lacks affordable, available, accessible, age-friendly housing for its residents." and "Accessory dwelling units (also known as ADUs or in-law units) can help mitigate this issue."

Needham, MA ADU Brochure Example

#### Examples:

- City of Calabasas, CA ADU website with definitions, relevant requirements, application and permit information and additional resources consolidated on one easy-to-find page: <https://www.cityofcalabasas.com/government/community-development/building-and-safety-division/adu-accessory-dwelling-unit>
- Town of Needham, MA ADU Brochure with overall information for the community: <https://www.needhamma.gov/4785/Accessory-Dwelling-Units>

### 14. Collaborate regionally with neighboring towns and the MRPC to provide information to promote community understanding of housing needs and opportunities and the regulatory framework of 40B.

Townsend could benefit from enhanced resources through collaborating with neighboring communities and the MRPC to expand community education and outreach to the general public about housing needs and opportunities. A community's housing needs and potential tools that could help address those needs, including zoning amendments and local initiatives, are often misunderstood. Providing information including forums and guest speaking events where community members can discuss concerns and observations from their perspective can help increase meaningful dialogue and raise awareness.

There are a several components to building local support for housing initiatives including strategic organizing, messaging, and engagement. The Housing Authority could work with peer entities in other communities to enhance ongoing public awareness and lay the groundwork to gain support for initiatives.

#### More information:

- Massachusetts Housing Partnership, Housing Toolbox, "Local Support": <https://www.housingtoolbox.org/local-support>

### **15. Consider adopting the Community Preservation Act to provide funding for community preservation including eligible community housing initiatives**

Fifty-three percent of the state's municipalities are CPA communities (187 towns and cities). These communities are eligible to receive annual state trust fund distributions to boost local funds generated for community preservation initiatives, including creation of affordable and community housing.

The Community Preservation Act (CPA) is a local option tool that allows communities to put aside and spend funds dedicated for community housing, open space, recreation, and historic preservation projects. It generates funds through a local property tax surcharge (up to 3 percent) that is matched by a variable annual distribution from the state's Community Preservation Trust Fund. At least one community has adopted CPA at a low surcharge of only 0.5 percent. Some communities also adopt exemptions, including the first \$100,000 of taxable property value for residential and/or commercial/industrial properties and low-income households or low/moderate-income senior households, which can reduce the impact of the surcharge on eligible households.

Townsend has voted on the CPA adoption twice in the 2000s and rejected it both times. The primary reason was a misperception among residents that it was a tax on selling your house, which was unpopular. Given the amount of time since the last vote, it may be worth considering another attempt to adopt the CPA, with an appropriate education campaign, as a potential source of revenue for the TAHT.

#### **More information:**

- Community Preservation Coalition: <https://www.communitypreservation.org/about>

### **16. Ensure continued funding for the reinstated Land Use Coordinator position (which is budgeted as full-time 35 hours per week)**

Townsend has benefited from the services of a Land Use Coordinator in the past. That position was temporarily unfilled, but Town Meeting recently approved the budget to employ a Land Use Coordinator at 35 hours per week. The Land Use Coordinator is responsible for streamlining the permitting process for applicants regarding the Land Use Boards and providing guidance to other town departments on a variety of issues including but not limited to permit flow processes and centralization of land use functions. The Land Use Coordinator is also responsible to support staff for the Land Use Boards by creating maps as needed by the Boards and for inclusion in town documents.

Secure a qualified candidate with competency in land use and housing and ensure continued funding for this position to help fulfill capacity needs for the implementation of housing initiatives including technical support for the Housing Authority, Planning Board, and TAHT.

### **17. Create a regular, predictable funding source for the Affordable Housing Trust and a five-year action plan to enhance the Trust's effectiveness (CPA, IZ payments, and ARPA funds)**

TAHT is a relatively new municipal affordable housing trust (MAHT), which was established in 2020 per MGL c.44 s.44C. It is administered by a Board of Trustees appointed by the Board of Selectmen. To date, the Trust has primarily worked to receive and distribute COVID-19 related housing relief funds from the CARES act for rental and mortgage payments, in partnership with the Central Massachusetts Housing Alliance (CMHA) and does not currently have a regular and predictable stream of funding. The TAHT could benefit from a multi-year action plan that establishes a budget to support its priority initiatives and sets a target funding amount to support these priorities. Revenue for MAHTs can include multiple sources such as inclusionary zoning payments, negotiated developer

payments, federal HOME funding, Community Preservation Act funds, or funds from the federal American Rescue Plan Act of 2021 (ARPA funds). As of January 2022, the TAHT has been assigned \$100,000 of Townsend's ARPA funds. It is important for the MAHT to secure a more sustained income stream for through an annual allocation for administration and operations, Community Preservation Act funding, or other streams as available.

#### **18. Develop and maintain relationships with local and regional developers to pursue collaborative initiatives for housing production**

Build on prior success of local initiatives to affordable housing development as demonstrated through the Atwood Acres development in 1989, Townsend Woods development in 2006, and the Apple Drive home in 2007. Continue to actively promote cooperative relationships with local and regional developers to meet Townsend's local housing needs, including mixed-income housing.

##### **More information:**

- Incremental Development Alliance is a collaboration between small developers that provides training and coaching to benefit municipal clients and developers: <https://www.incrementaldevelopment.org/>
- Urban Land Institute is a network of people in every profession and sector in real estate, development, and land use: <https://uli.org/join/>
- CHAPA has a variety of committees including the Production and Preservation Committee that is comprised of developers, lenders, buildings, and other housing providers: <https://www.chapa.org/committees/production-and-preservation-committee>

#### **19. Designate the Housing Authority as a local HPP oversight entity and perform annual review of status of HPP goals and strategies**

This HPP is intended to provide the Town with multiple options to address local needs. The recommended strategies would require coordinated efforts by multiple local entities. Therefore, to effectively implement this plan will require oversight and accountability. The Town should consider designating the Housing Authority as the local HPP oversight entity, in coordination with the Municipal Affordable Housing Trust and the Town's Land Use Coordinator. The oversight entity should track and coordinate progress and report regularly, at least annually, to Board of Selectmen.

# ACTION PLAN

The Housing Authority will oversee all aspects of the HPP’s implementation. The matrix below provides detailed information on responsible and supporting entities and a suggested timeframe to implement the housing strategies.

**Abbreviations Used the in Matrix Below:**

- BOH = Board of Health
- BOS= Board of Selectmen
- HA = Health Administrator
- LUC= Land Use Coordinator
- PB = Planning Board
- TAHT = Townsend Affordable Housing Trust
- THA = Townsend Housing Authority

Type	#	Housing Strategy	FY2023	FY2024	FY2025	FY2026	FY2027	Responsible Entity	Supporting Entities
Planning, Policies, & Zoning	1	Consider amendments to the accessory apartment provisions to remove affordability requirements and create a by-right option.						PB	THA, LUC, BOS
	2	Work with the Board of Health to investigate alternative and innovative individual or shared wastewater treatment systems and potential regulatory changes, such as to create more flexibility per the Sub Surface Sewage Disposal Regulations in areas with minimal environmental constraints.						BOH	LUC, HA, BOS
	3	Consider amendments to zoning regulations to create more flexibility for new housing development in areas with minimal environmental constraints.						PB	BOS, LUC
	4	Adopt local guidelines for development applications for the Local Initiative Program.						THA	LUC, BOS
	5	Conduct a planning area study to investigate the possible creation of a 40R district in two villages and along the Route 119 Corridor.						THA	LUC, BOS
	6	Consider zoning amendments to allow for development of affordable housing on nonconforming lots.						PB	BOS, LUC
	7	Consider adopting an Inclusionary Zoning bylaw based on a study evaluating options and identifying best practices.						PB	TAHT, LUC, BOS
	8	Study options for compliance with the new multifamily zoning requirement for MBTA communities.						PB	LUC, BOS

Type	#	Housing Strategy	FY2023	FY2024	FY2025	FY2026	FY2027	Responsible Entity	Supporting Entities
Local Initiatives & Programmatic	8	Investigate the feasibility of promoting smaller developments on several parcels owned by the Townsend Affordable Housing Trust (TAHT).						TAHT	THA, LUC
	9	Create a process to maintain an updated inventory of tax title properties and promote housing development on tax title land.						LUC	THA
	10	Investigate feasibility to develop Veteran's housing.						THA	THAT, LUC
	11	Continue to seek CDBG funds to preserve and maintain older existing housing stock through the local rehab program.						LUC	THA
Capacity, Education, and Coordination	12	Produce educational information to promote ADUs as a housing option throughout the community.						THA	LUC
	13	Collaborate regionally with neighboring towns and the MRPC to provide information to promote community understanding of housing needs and opportunities and the regulatory framework of 40B.						THA	LUC
	14	Consider adopting the Community Preservation Act to provide funding for community preservation including eligible community housing initiatives.						BOS	THA, TAHT
	15	Ensure continued funding for the reinstated Land Use Coordinator position (which is budgeted as full-time, 35 hours per week).						BOS	THA, TAHT
	16	Create a regular, predictable funding source for the Affordable Housing Trust and a five-year action plan to enhance the Trust's effectiveness (CPA, IZ payments, and ARPA funds).						TAHT	THA, LUC, BOS, PB
	17	Develop and maintain relationships with local and regional developers to pursue collaborative initiatives for housing production.						THAT	THA, LUC
	18	Designate the Housing Authority as a local HPP oversight entity and perform annual review of status of HPP goals and strategies.						BOS, THA	LUC

# CHAPTER 3: DEMOGRAPHIC PROFILE

An analysis of local demographic data and housing stock reveals key characteristics and trends in Townsend that help explain housing needs and demand. The characteristics of a town's residents, such as their life stage, wealth, household size, and race/ethnicity, are closely linked to the characteristics of a town's housing stock. To understand the wider context of Townsend's housing needs, we compare the demographics of Townsend to Middlesex County and Massachusetts at times, as well as to surrounding communities. This chapter will provide the framework for housing production goals and strategies to address local housing concerns included earlier in this document.

## KEY FINDINGS

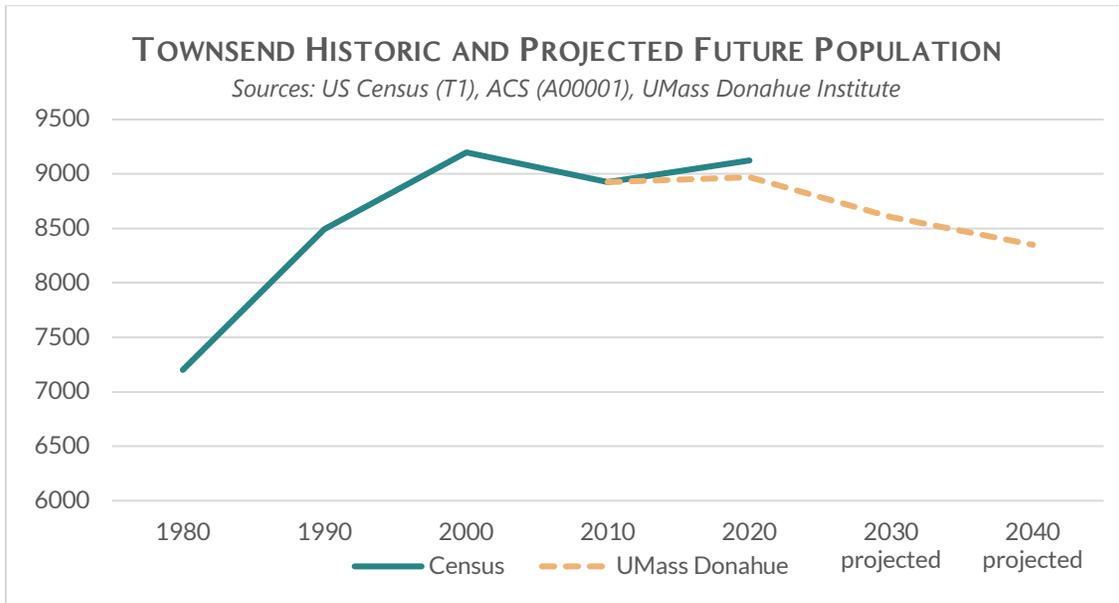
- Townsend's population is relatively stable, with very slight fluctuations since 2000 and a projected slight decline over the next several decades.
- Between 2010 and 2019 the town's population has aged, with an increase in residents 65 years and older of five percentage points and a 3-percentage point decrease in residents aged between zero and seventeen years.
- Overall, the town has seen an increase in all non-family households since 2010. Particularly notable is a 63 percent increase in householders over the age of 65 living alone, far outpacing the 15 percent increase in senior householders living alone statewide in the same period.
- Townsend's population is less racially/ethnically diverse than both Middlesex County and Massachusetts as a whole but has seen recent increases in Hispanic/Latino and mixed-race populations.
- According to the 2015-2019 ACS, 34 percent of Townsend residents aged 25 or older have earned a bachelor's degree or higher educational attainment. This is significantly lower than Middlesex County (55 percent) and the Commonwealth as a whole (44 percent).
- The gap between Townsend's median household income and the area AMI has been increasing since 2000 when adjusted for inflation, with a 13 percent increase in area AMI but a 3 percent decrease in Townsend's median household income during that period.
- Renters in Townsend earned less than half as much as homeowners on average by 2019 ACS estimates – the median income for homeowners in Townsend was \$101,014 compared with \$42,805 for renters.

## DEMOGRAPHICS

This Housing Production Plan is grounded in a thorough examination of Townsend's demographic makeup. An analysis of the current population, race and ethnicity, household composition, educational attainment, and household income provides insight into the existing housing needs and demand. Projections of Townsend's future residential composition help inform housing planning efforts.

### POPULATION

The population of Townsend is 9,127 according to the recently released 2020 Census. The town's population grew about 28 percent between 1980 and 2000 but has remained essentially consistent since then, with a small dip in 2010. This differs from recent trends in Middlesex County and in the Commonwealth as a whole, which have both seen population increases of between 7 and 9 percent since 2010. The chart below shows the town's population since 1980 and the MassDOT/UMass Donahue population projections for 2030 and 2040. These projections forecast a decline of about 9 percent by 2040, though their underestimation for the 2020 numbers suggests the decline may not be as significant as forecast.

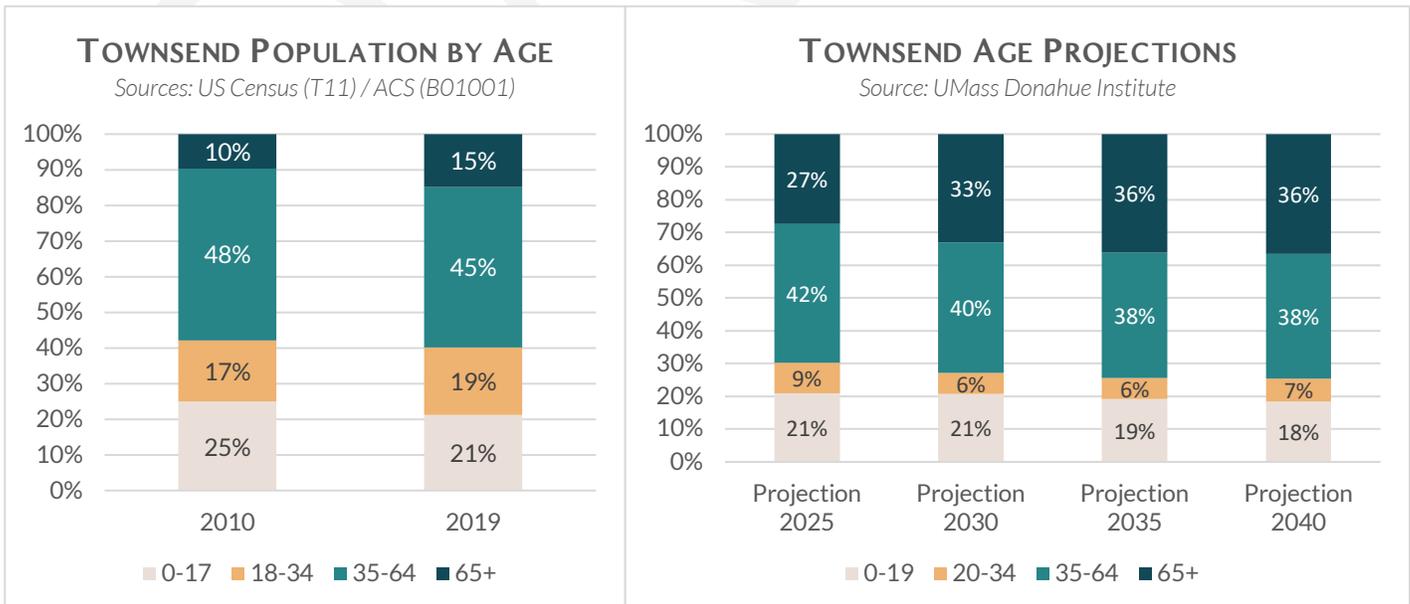


**Overall, Townsend's population is relatively stable, with very slight fluctuations since 2000 and a projected slight decline over the next several decades.**

#### Distribution of Population by Age

The population of Townsend is similar in age breakdown with both Middlesex County and the Commonwealth as a whole, with a slightly larger percentage of middle-aged residents (35-64) at 45 percent, compared with 39 percent statewide. Older residents (65+) make up fifteen percent of the population, with young adults (18-34) making up nineteen percent and children (0-17) comprising the remaining 21 percent.

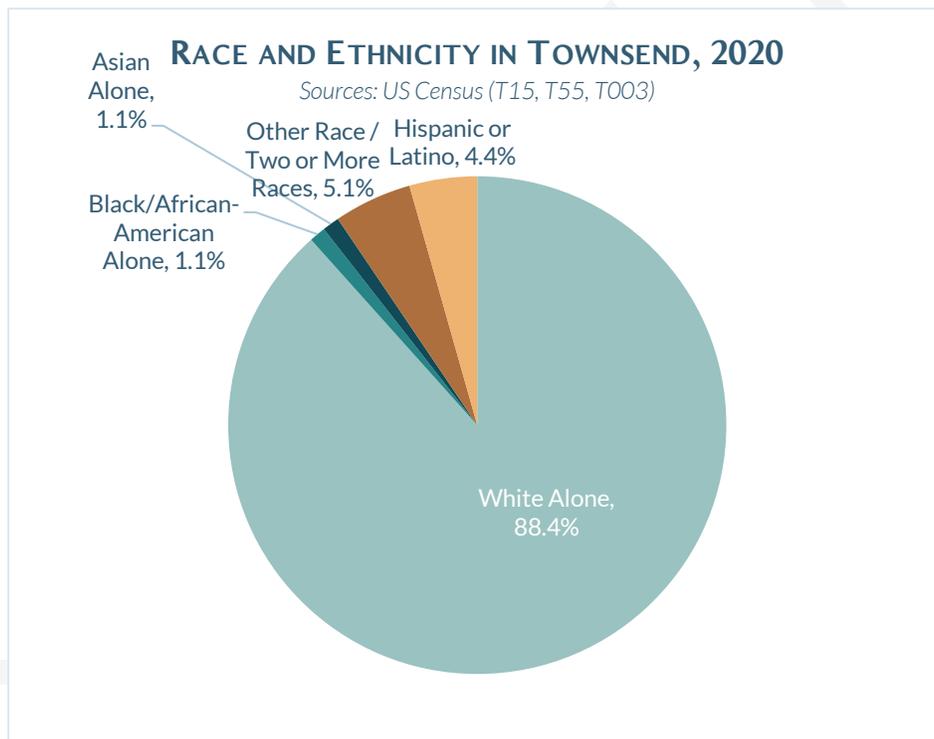
**Between 2010 and 2019 the town's population has aged, with an increase in residents 65 years and older of five percentage points and a 3 percentage point decrease in residents aged between zero and seventeen years.**



However, the percentage of residents between 18 and 34 increased during that time from 17 to 19 percent. UMass Donahue projections suggest a continuation of the aging trend seen recently, as shown in the charts above, though recent trends suggest young adults may make up a larger share than forecast.

## RACE & ETHNICITY

The racial composition of Townsend has diversified in the last two decades, following the trends of the county and the Commonwealth. In 2000, over 95 percent of Townsend’s population identified as White Alone. In 2020, that number had fallen to 88 percent. Most of this shift was seen in populations identifying as two or more races (increased from 1.2 to 4.2 percent) and in the Hispanic/Latino population (increased from 1.8 to 4.4 percent). This follows recent national trends of significant increases in the population identifying as mixed race, particularly given the categories currently available on the Census.



**Townsend’s population is less racially/economically diverse than both Middlesex County and Massachusetts as a whole but has seen recent increases in Hispanic/Latino and mixed-race populations.**

In 2020, Middlesex County and Massachusetts both had about 66 percent of their populations identifying as White Alone, compared to 88 percent in Townsend. The county and the state have both seen an increase in their proportions of BIPOC (Black, Indigenous, and People of Color) residents from 2000 to 2020.

## Foreign-Born Population

In 2019, an estimated 5 percent of Townsend’s population were foreign-born. Of this population, the largest number was from a European country (37 percent). About 24 percent were from an Asian country, and 28 percent were from a Latin American country, which includes all South America, the Caribbean, and Central America. Small percentages were born in Canada, Africa, and Oceania as well. Nearly all of Townsend’s population speaks only English (95 percent). Of those with English as a second language, Spanish and Other Indo-European languages are the other languages spoken at home.

## DISABILITY

The U.S. Census Bureau defines a disability as a long-lasting physical, mental, or emotional condition, broken down into the six types detailed in the box to the right. Residents with one or more disabilities can face housing challenges if there is a shortage of housing in a community that is affordable, physically accessible, and/or provides the supportive services that people with disabilities may need. According to the 2015-2019 ACS, 10 percent of Townsend’s civilian, non-institutionalized population report having one or more disabilities. This includes three percent of children under 18 years, eight percent of adults aged 18 to 64, and 25 percent of residents 65 and older. Townsend’s disability rate among its children under 18 and younger adult population (18-64 years) are similar to the statewide and county averages, though its disability rate for seniors (65 years and older) is somewhat lower than the rates for the County and the state.

**Hearing difficulty:** deaf or having serious difficulty hearing.

**Vision difficulty:** blind or having serious difficulty seeing, even when wearing glasses.

**Cognitive difficulty:** Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions.

**Ambulatory difficulty:** Having serious difficulty walking or climbing stairs.

**Self-care difficulty:** Having difficulty bathing or dressing.

**Independent living difficulty:** Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor’s office or shopping.

Source: <https://www.census.gov/topics/health/disability/guidance/data-collection-acs.html>.

Townsend Disability Statistics with Regional Comparison

	Non-Institutionalized Population			Under 18 Years			18-64 Years			65 Years and Over		
	Total	w/Disability	%	Total	w/Disability	%	Total	w/Disability	%	Total	w/Disability	%
<b>Townsend</b>	9,461	902	10	2,007	59	3	6,053	490	8	1,401	353	25
<b>Middlesex County</b>	1,586,008	147,133	9	318,870	11,372	4	1,034,111	66,449	6	233,027	69,312	30
<b>Massachusetts</b>	6,777,468	784,593	12	1,368,379	60,992	4	4,338,119	383,233	9	1,070,970	340,368	32

Source: ACS (B18101)

## HOUSEHOLDS

### HOUSEHOLD COMPOSITION

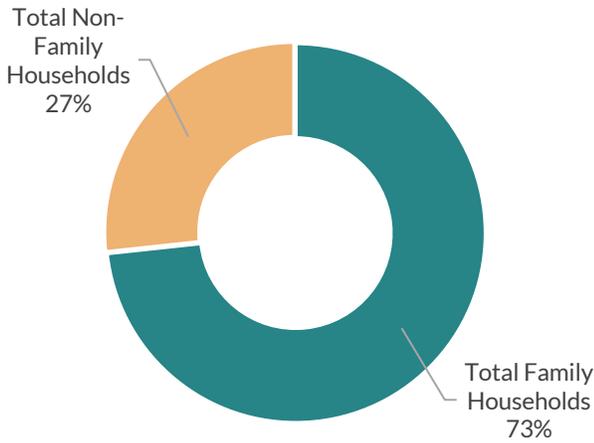
The number and type of households within a community, along with household spending power, correlate to housing unit demand. Each household resides in one dwelling unit, regardless of the number of household members. According to the 2019 ACS estimates, Townsend had 3,520 households, up from 3,420 in 2010 and 3,110 in 2000, representing a total increase of 13 percent since 2000.

The US Census defines a family as “a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together.” The term “non-family households” includes individuals living alone and those living with roommates who are not related by birth, marriage, or adoption.<sup>5</sup> About 73 percent of Townsend’s households are estimated to be family households, about 10 percentage points higher than the statewide ratio of family households. The vast majority of these (83 percent) are married couples. About 31 percent of Townsend’s households include children 18 or younger, on par with the county and state averages. Of non-family households, an estimated 81 percent are householders living alone, approximately 447 residents under the age of 65 and 315 residents over the age of 65.

<sup>5</sup> US Census Bureau, Subject Definitions

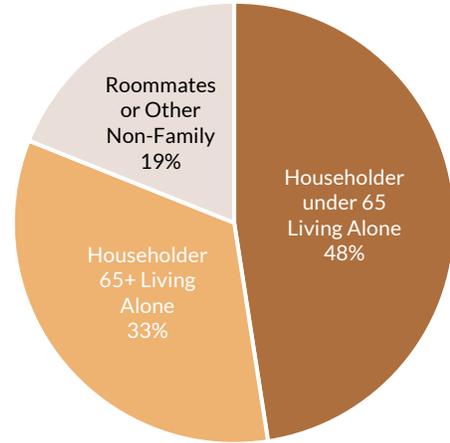
### TOWNSEND HOUSEHOLD COMPOSITION, 2019

Sources: US Census (T58, T59, PCT18)/ACS (A10008, A10009, A10025)



### TOWNSEND NON-FAMILY HOUSEHOLD COMPOSITION, 2019

Sources: US Census (T58, T59, PCT18)/ACS (A10008, A10009, A10025)



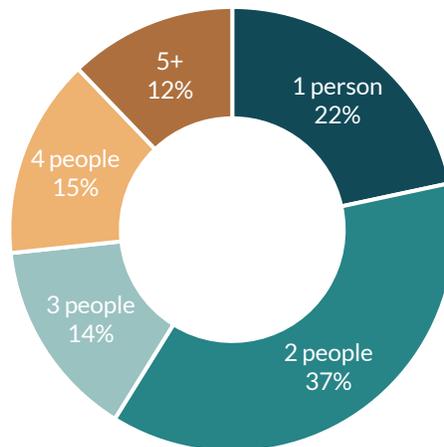
Overall, the town has seen an increase in all non-family households since 2010. Particularly notable is a 63 percent increase in householders over the age of 65 living alone, far outpacing the 15 percent increase in senior householders living alone statewide in the same period.

### Household Size

Townsend’s average household size per 2019 ACS estimates was 2.69 people per household. This is higher than both Middlesex County’s (2.55) and the Commonwealth’s (2.52).

### PEOPLE PER HOUSEHOLD IN TOWNSEND, 2019

Sources: US Census (H13) / ACS (A10024)

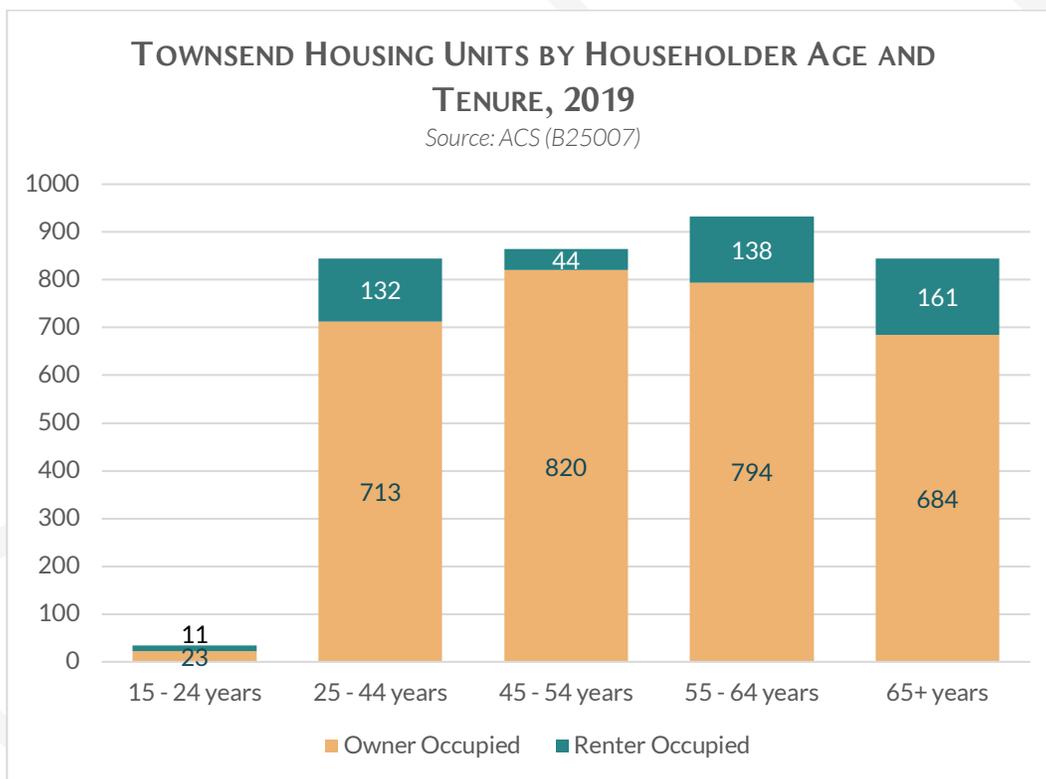


In contrast with recent increases in household size in the county and state, Townsend has seen a significant shift towards smaller households in the past decade, with a 28 percent increase in one-person households and a 12 percent decrease in 3-4 family households since 2010, perhaps also reflecting the increased aging of the population and higher numbers of older householders living alone.

Most of Townsend’s households are one and two person households as shown above. Residents living alone are more likely to be renters with one-person households making up 53 percent of rental households in the town, contrasted with three-person households which make up only three percent of rentals.

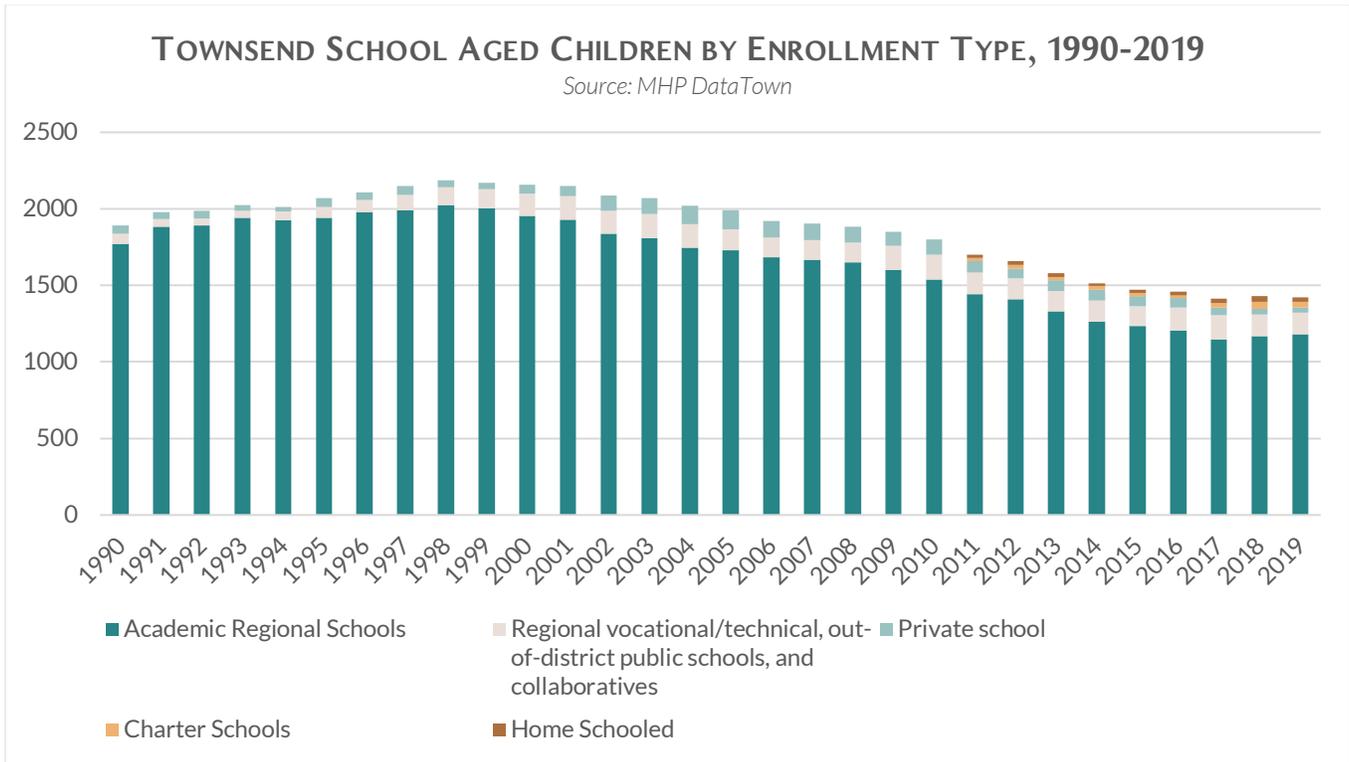
### Age of Householder

Breaking down householders by age and tenure can indicate demand for particular unit types in the town. In Townsend, ownership and rental households are relatively evenly distributed except for the 45-54 age group, who represent a higher percentage of ownership households. In line with trends seen above, there are a noticeable amount of older (65+) householders in rental housing. Renter householders in Townsend tend to be younger than owner householders, although 29 percent of renter householders are over age 65, indicating a trend of older adults seeking rental housing in the town.



# EDUCATION

## School Enrollment

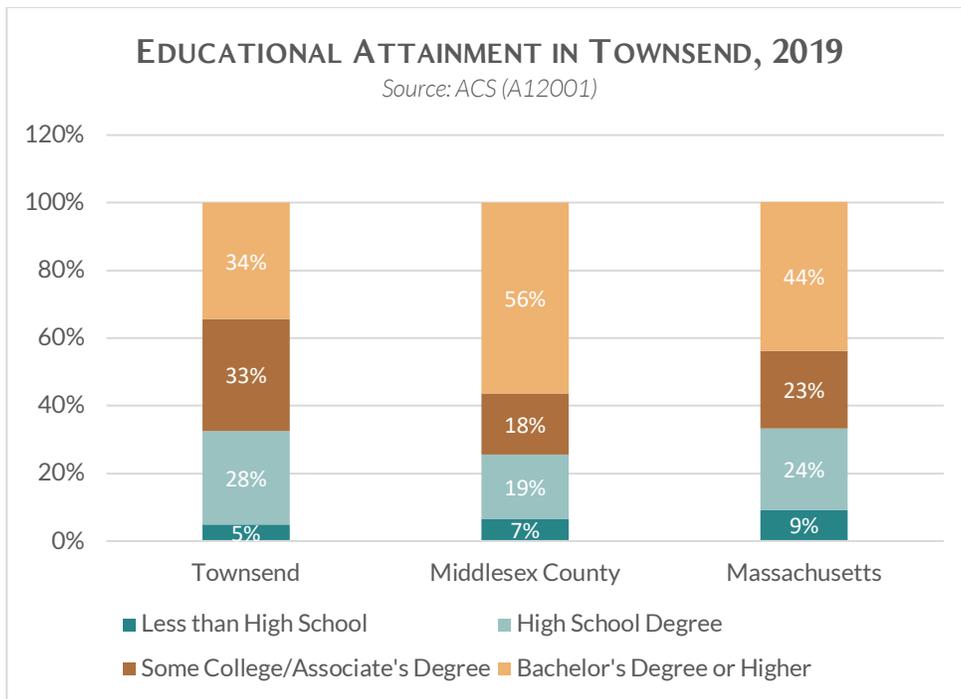


School enrollment in Townsend peaked in 1998, with 2,185 students enrolled in schools. Since then, school enrollment has declined steadily, though the decline has stabilized since around 2016 and is now slightly higher than it was in 2017 and 2018. In the 2019 school year, enrollment was at 1,423 students. The large majority (83 percent) of Townsend students are enrolled in academic regional schools within the North Middlesex Regional School District, which also serves Ashby and Pepperell. Ten percent of students are enrolled in vocational, technical, or out-of-district public schools, and about two percent each attend charter schools, private schools, or are home schooled. These percentages have remained relatively consistent in the past decade, with a marginal increase in charter school attendance in recent years. Enrollment in the district as a whole has been very consistent since 2017, with a slight dip in 2021, likely due to the COVID-19 pandemic.

## Educational Attainment

**According to the 2015-2019 ACS, 34 percent of Townsend residents aged 25 or older have earned a bachelor’s degree or higher educational attainment. This is significantly lower than Middlesex County (55 percent) and the Commonwealth as a whole (44 percent).**

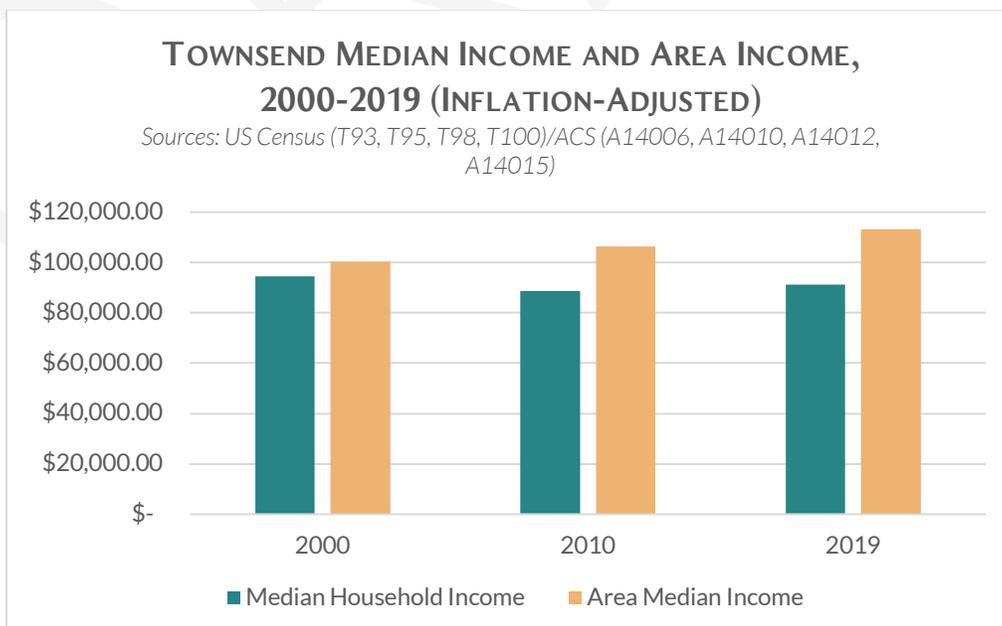
However, a larger proportion of Townsend residents have earned an Associate’s degree or attended some college, resulting in a percentage of residents having only a high school degree or lower which is on par with the statewide average.



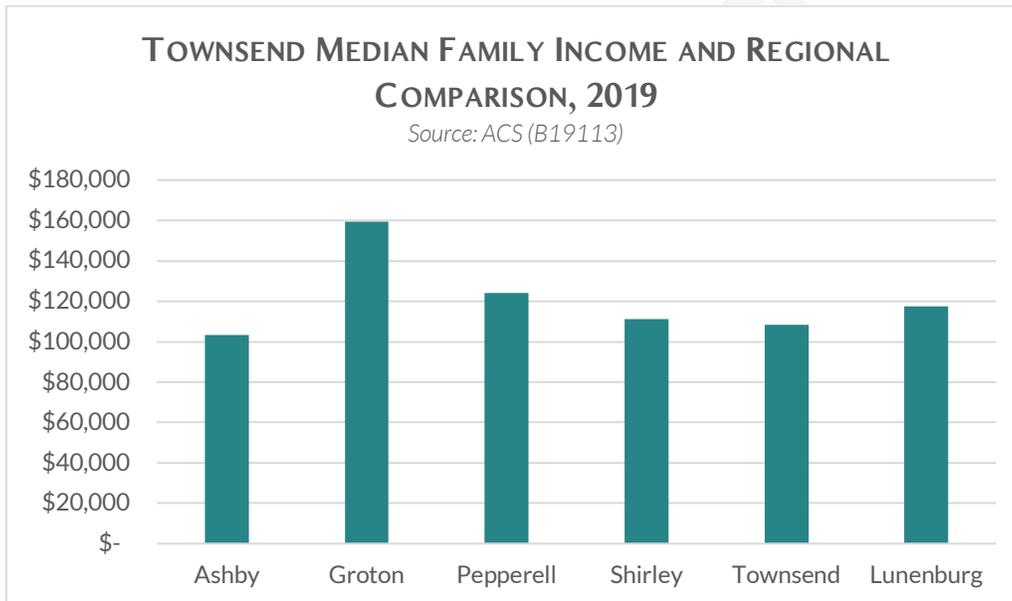
## INCOME

Townsend's estimated median household income is \$91,211 per the 2019 ACS estimates. This is about \$22,000 less than the HUD Area Median Income (AMI) of \$113,300.

*The gap between Townsend's median household income and the area AMI has been increasing since 2000 when adjusted for inflation, with a 13 percent increase in area AMI but a three percent decrease in Townsend's median household income during that period.*



Family households, on average, tend to have higher incomes than non-families. Family households tend to have more people who are prime earners contributing to the household income. Non-family households tend to be smaller—often consisting of only one person—and they are more likely to be younger or older than the prime earning years (roughly 45 to 65 depending on demographics).<sup>6</sup> According to the 2019 ACS estimates, Townsend’s median family income was \$108,281. This is about twice the 2019 non-family income estimate of \$53,017. Nearby communities to Townsend have overall similar median family incomes, except for Groton’s which is significantly higher at around \$159,000.



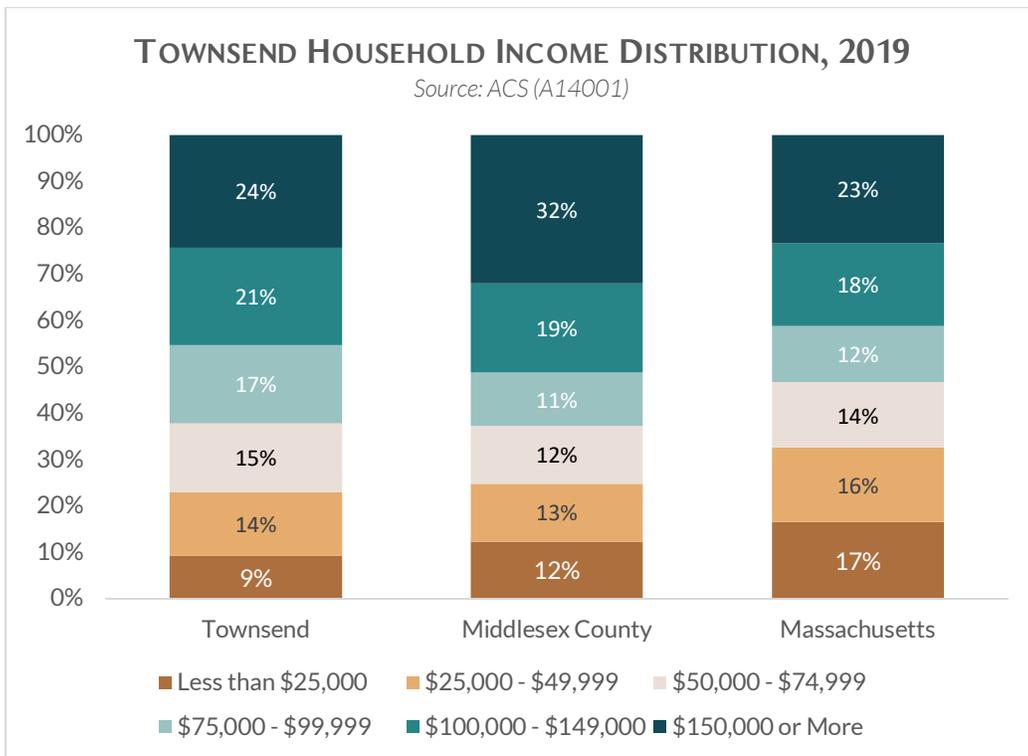
**Renters in Townsend earned less than half as much as homeowners on average by 2019 ACS estimates – the median income for homeowners in Townsend was \$101,014 compared with \$42,805 for renters.**

For a household to be cost burdened, they must be spending more than 30 percent of their income each month on housing costs. For renters, this includes rent and utilities and for owners, this includes mortgage payments, condo fees, taxes, insurance, heating, and utilities.<sup>7</sup> Households that are severely cost burdened pay more than 50 percent of their monthly income on housing costs. About 240 households in Townsend (7 percent) are severely cost burdened, according to 2018 estimates. Of these 240 households, about 155 are ownership households and 85 are rental households.

Townsend’s income distribution is relatively similar to that of Middlesex County as a whole, with a slightly smaller percentage of the highest-income households earning \$150,000 or more and a slightly smaller percentage of the lowest-income households earning less than \$25,000. When compared with the Commonwealth, both Townsend and Middlesex County have an income distribution which skews higher, with about 62 percent of households earning more than \$75,000, compared with about 53 percent statewide.

<sup>6</sup> U.S. Census Bureau, “Median Household Income,” QuickFacts. <https://www.census.gov/quickfacts/fact/note/US/INC110218>.

<sup>7</sup> U.S. Census Bureau, Quick Facts <https://www.census.gov/quickfacts/fact/note/US/HSG650219>, <https://www.census.gov/quickfacts/fact/note/US/HSG860219>, HUD CHAS Background [https://www.huduser.gov/portal/datasets/cp/CHAS/bg\\_chas.html](https://www.huduser.gov/portal/datasets/cp/CHAS/bg_chas.html)



## SUMMARY

Townsend’s population numbers are relatively stable, though the number of households has been increasing as average household size decreases. One component of this shift is the increasing age of the population, which also corresponds with increased need for rental housing for seniors, as numbers of older residents living alone are significantly higher than regional averages. The town also has a higher-than-average percentage of family households, primarily married couples. School enrollment has stabilized since the 1990s after a significant decline. The town has a smaller number of college-educated residents than regional and statewide averages, but a larger number of residents with associate degrees.

The town’s population is majority White, but racial and ethnic diversity have been increasing in recent decades, with a notable increase in the Hispanic/Latino population. The income of Townsend residents has been decreasing in recent decades when adjusted for inflation, even as the area median income has increased significantly. The breakdown of income levels among town residents is roughly even with statewide averages, with a slightly higher number of middle-income residents.

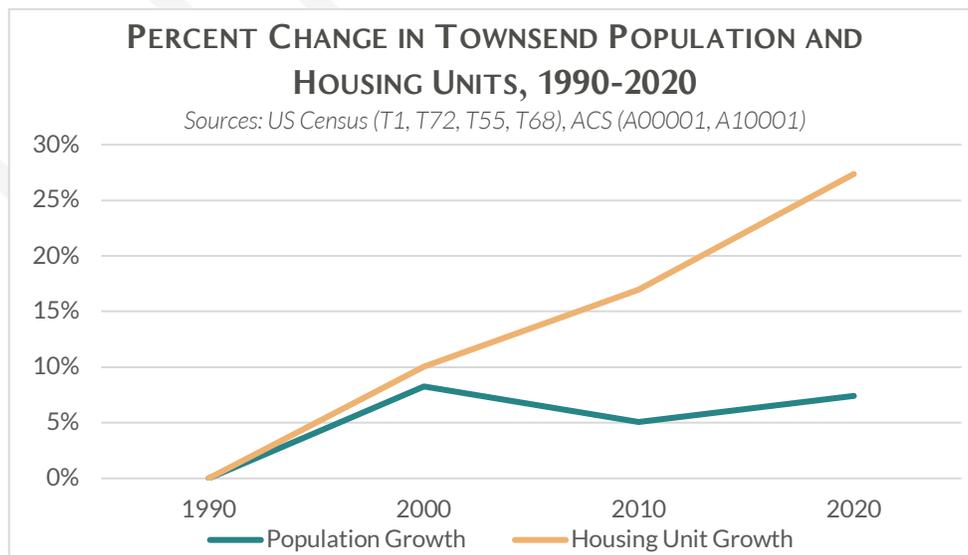
# CHAPTER 4: HOUSING CONDITIONS

The following section examines Townsend’s current housing supply and how it has changed over time. Understanding housing type, age, tenure, vacancy, and recent development will contribute to an understanding of current needs and demand in Townsend and thereby help inform future housing production planning.

## KEY FINDINGS

- The housing stock in Middlesex County and Massachusetts is about half single-family detached, compared to 85 percent in Townsend.
- In 2019, the town had an ownership vacancy rate of 1.6 percent and a zero percent rental vacancy rate (indicating virtually no rental properties available), down from the 2 percent ownership and 1.2 percent rental vacancy rates in 2010.
- Townsend’s quantity of renter-occupied housing units has increased by about five percent since 2010, compared to a nine percent increase in owner-occupied housing units. This increases the imbalance of ownership vs. rental properties in the town, particularly when the low vacancy rates indicate a need for more rental housing.
- There is a mismatch between smaller household sizes and the available housing stock, with almost 60 percent of Townsend households comprised of one or two people compared with 23 percent of housing stock with one or two bedrooms.
- The 2020 Decennial Census figures, released recently, indicate that Townsend will remain significantly below the minimum 10 percent threshold of subsidized housing required by the state.
- About 89 percent of extremely low-income households (earning less than 30 percent of AMI) are cost-burdened in Townsend, and 80 percent of these households are severely cost-burdened, spending more than 50 percent of their income on housing costs.
- In Townsend, unlike many Massachusetts communities, there is not a substantial affordability gap for purchasing homes based on the town’s median household income, putting home ownership within reach for the average resident of the town.

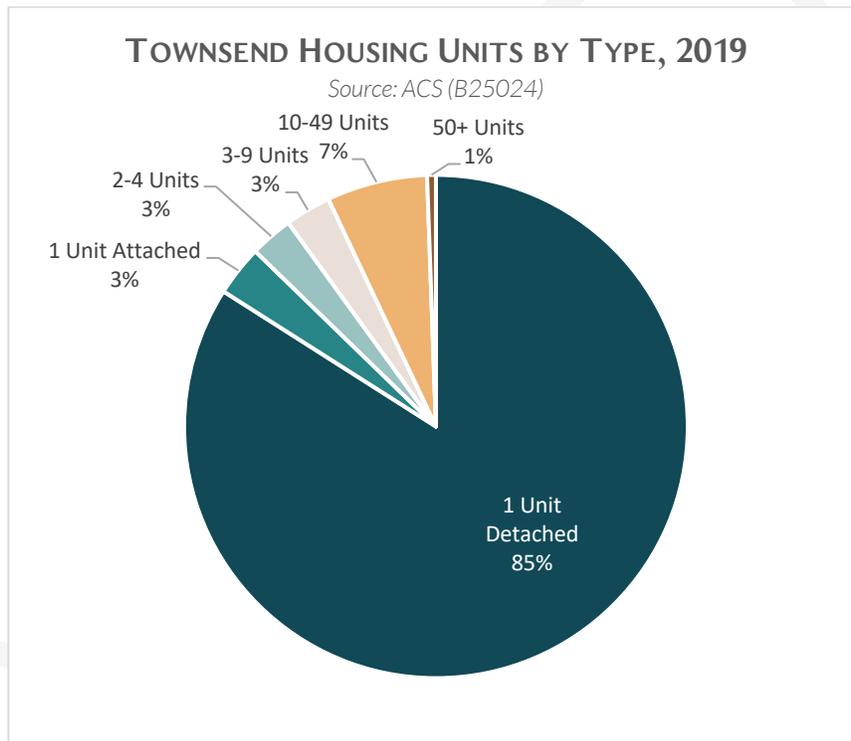
## HOUSING SUPPLY AND TRENDS



According to the 2019 ACS, there are 3,686 housing units in Townsend, an increase of 16 percent since 2000. This is significantly higher than the negligible population change in the same period, reflecting a decrease in household size in recent years.

### TYPE & AGE

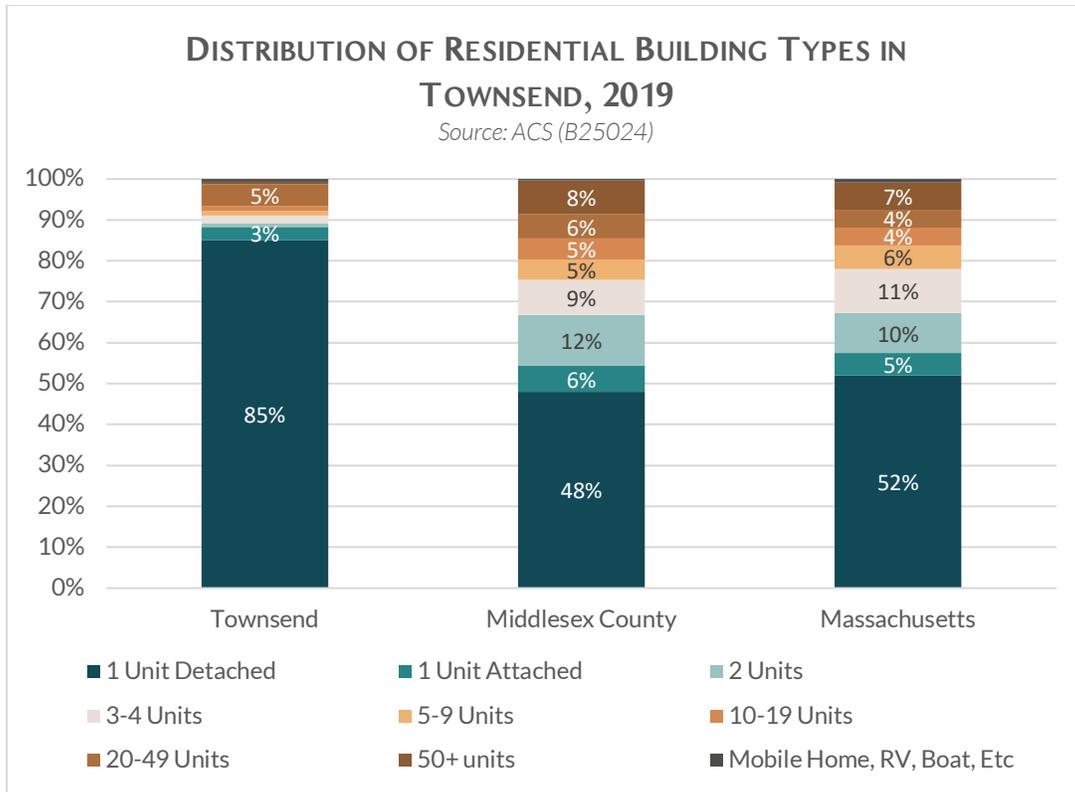
Per the 2019 ACS, eighty-eight percent of Townsend’s occupied housing units are single-family homes, almost all of which are single-family detached houses. Out of 3,134 units, 213 were two- to nine-family units, and 21 were in buildings with ten or more units. Two larger multifamily developments, Atwood II off 66 Dudley Road and Turnpike Village at 72-74 Turnpike Road contain 36 and 48 units of affordable housing, respectively.



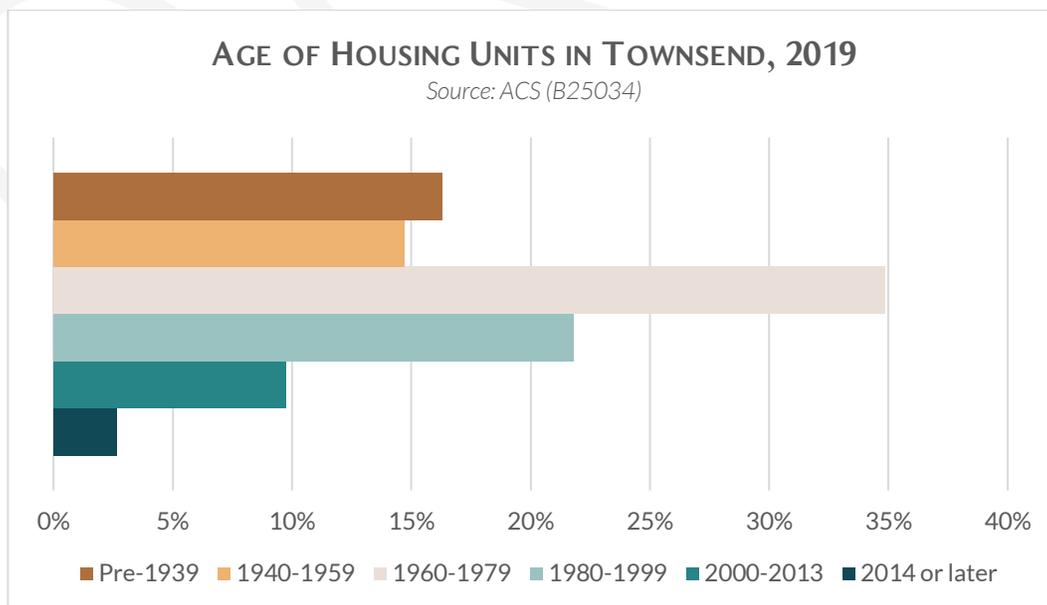
Townsend’s proportion of single-family to multifamily housing is similar to some surrounding communities including Lunenburg, Pepperell, and Groton, though the town has about half as much multifamily housing as Shirley and about three times as much as Ashby. When compared with the county and the state, Townsend’s housing stock is significantly less diverse.

***The housing stock in Middlesex County and Massachusetts is about half single-family detached, compared to 85 percent in Townsend.***

Additionally, both the county and the state have about 20 percent of their housing units containing 2-4 units, compared to 3 percent in Townsend.



About 88 percent of Townsend’s housing units were built prior to 1980. Older structures may lack heating and energy efficiencies and may not be code compliant, which adds to the monthly utility and maintenance costs. Older units built before 1978 may also have lead paint, which is not safe for children, but can be costly to mediate. These additional costs have an impact on the affordability of older units for both owners and renters. The period between 1960 and 1979 saw the largest amount of housing units built in Townsend. Only about 13 percent of units were constructed since 2000.



## VACANCY

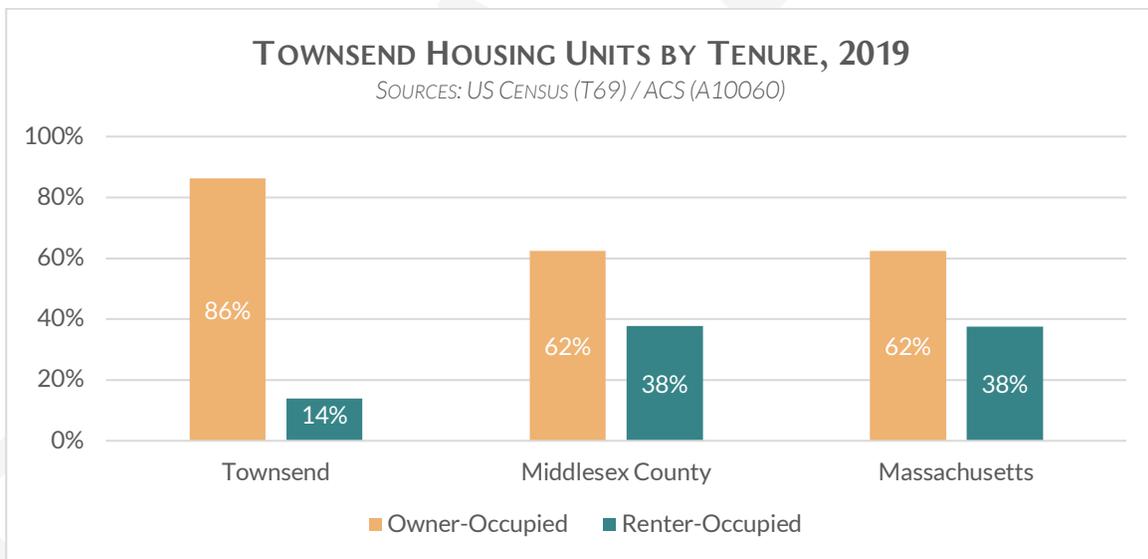
A low vacancy rate often indicates that demand exceeds current supply, placing pressure on housing prices. According to the *2021 Greater Boston Housing Report Card*, a 2 percent vacancy rate for ownership and 6 percent vacancy rate for rental units are considered natural vacancy rates in a healthy market. Townsend and Middlesex County fall significantly below these benchmarks in the 2019 ACS estimates.

**The town had an ownership vacancy rate of 1.6 percent and a zero percent rental vacancy rate (indicating virtually no rental properties available), down from the 2 percent ownership and 1.2 percent rental vacancy rates in 2010.**

This implies that the town's housing supply, particularly rental housing, has not kept pace with demand. Most vacant units in Townsend are either for sale or for seasonal or recreational use.

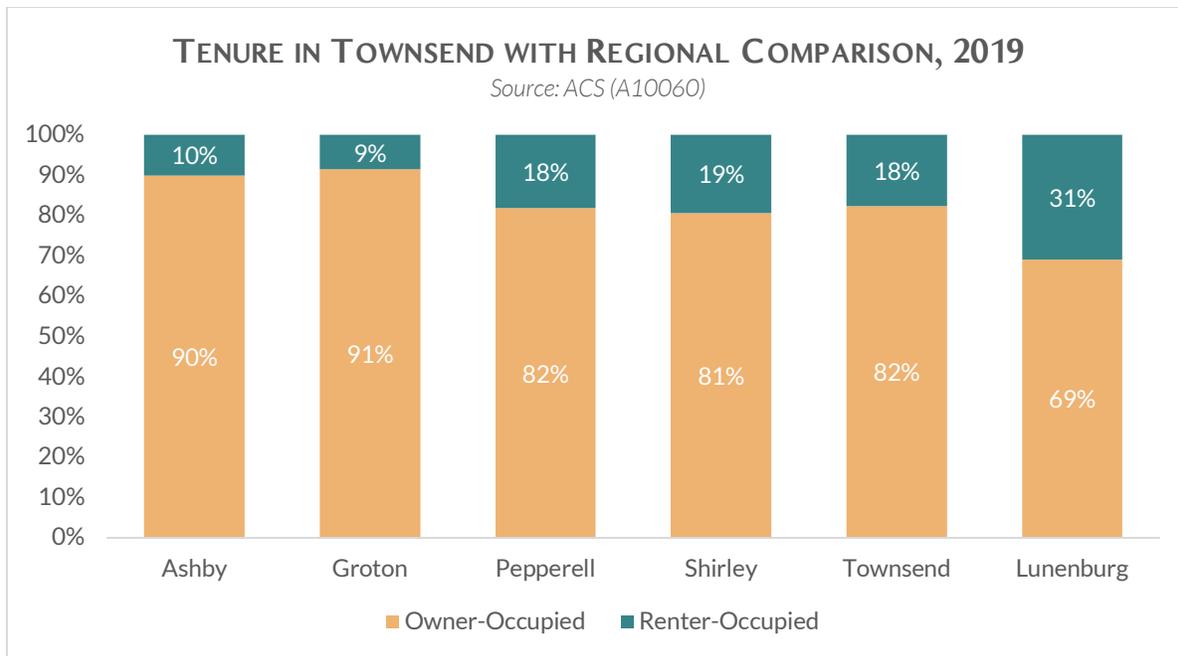
## TENURE

According to 2019 ACS estimates, about 86 percent of housing in Townsend is estimated to be owner-occupied, compared to 62 percent in both Middlesex County and the state, all of which are unchanged from their percentages in 2010.

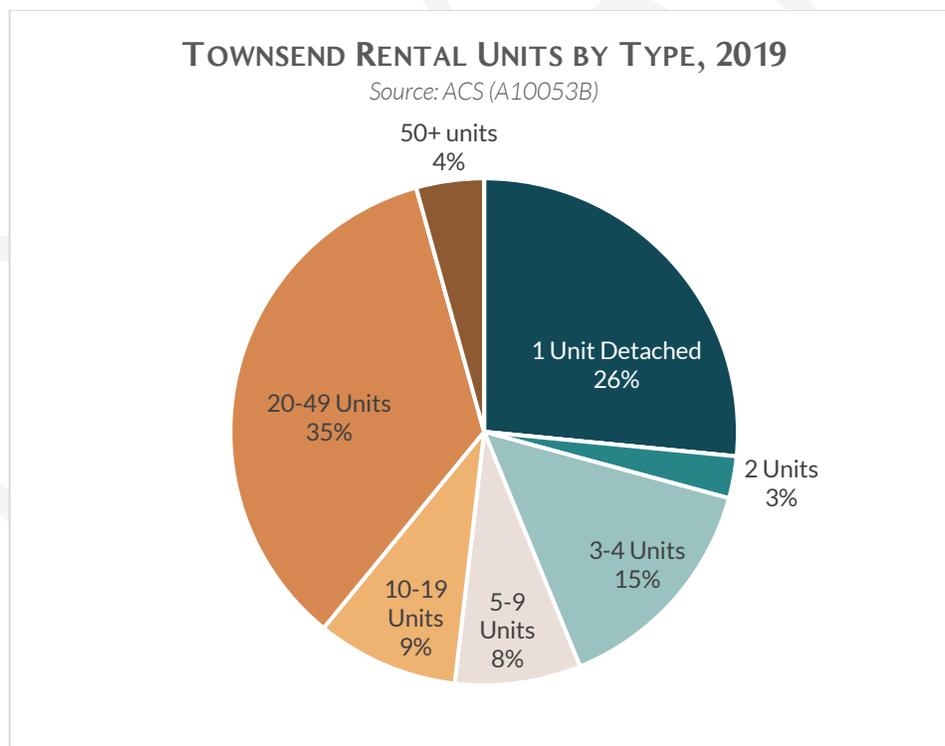


**Townsend's quantity of renter-occupied housing units has increased by about five percent since 2010, compared to a nine percent increase in owner-occupied housing units. This increases the imbalance of ownership vs. rental properties in the town, particularly when the low vacancy rates indicate a need for more rental housing.**

Townsend's proportion of renters is similar to many nearby towns, though Lunenburg has a significantly higher proportion (31 percent) and Groton and Ashby considerably lower (9-10 percent).



The largest proportion of the 486 occupied rental units in Townsend are in 20 to 49-unit multi-family buildings (35 percent). However, 129 units (27 percent) are single-family detached. Only 21 units (4 percent) are in buildings of 50 or more units.

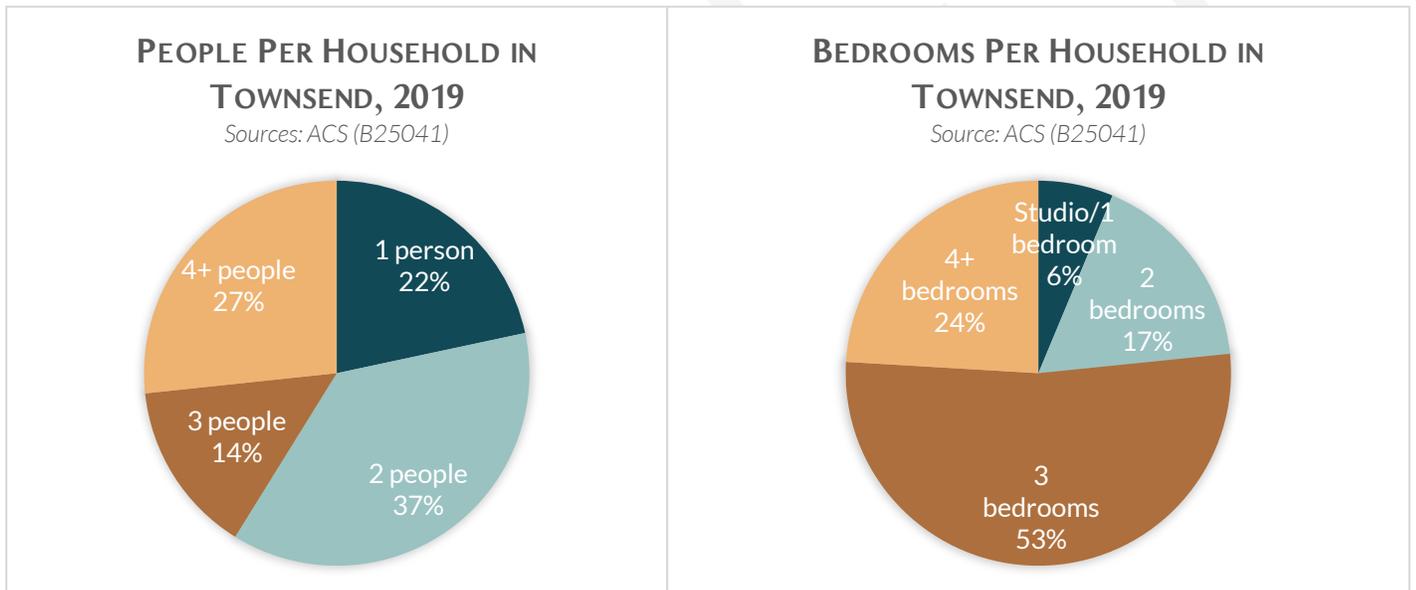


## HOUSING STOCK BY BEDROOMS

Only about 6 percent of housing units in Townsend are built as studio or one-bedroom units. About 17 percent of the stock is made up of two-bedroom units, and half of the housing stock is made up of three-bedroom units, with the remaining 24 percent four or more bedrooms.

***There is a mismatch between smaller household sizes and the available housing stock, with almost 60 percent of Townsend households comprised of one or two people compared with 23 percent of housing stock with one or two bedrooms.***

Although smaller households can live in units with more bedrooms, this mismatch exhibits a need for more smaller housing options for residents in small households who may not be able to afford extra bedrooms or prefer smaller units. Smaller households also generally incur less energy and maintenance costs than larger households.



## HOUSING MARKET

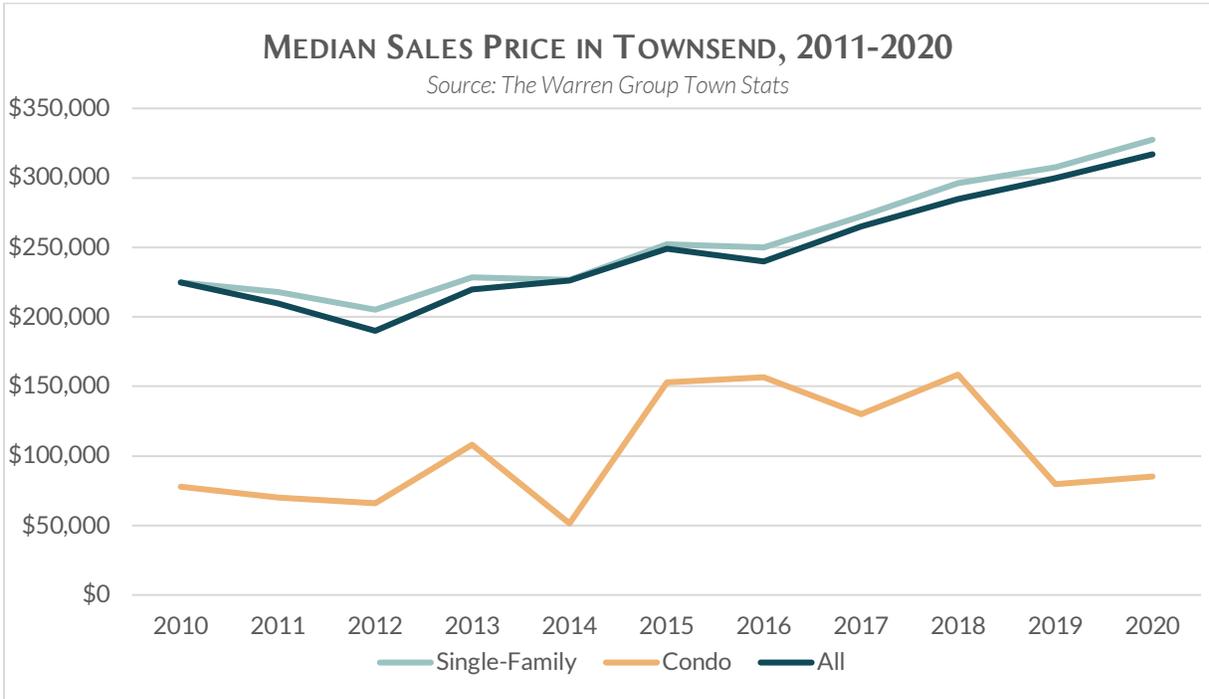
Housing costs within a community reflect numerous factors, including demand and supply. If the former exceeds the latter, then prices and rents tend to rise. Depending on the income levels of the population, these factors can significantly reduce affordability for both existing residents and those seeking to move in.

In Townsend, the median family income, adjusted for inflation, rose seven percent from \$101,103 in 2000 to \$108,281 in 2019. From 2010 to 2020, the inflation-adjusted median sales price for a home in Townsend increased 15 percent. The median sales price for a home (single-family or condominium) was \$317,000 in 2020. However, mortgage interest rates play a significant role in home affordability as well. Interest rates for 30-year mortgages have decreased over the last 20 years, creating better monthly affordability levels for homebuyers. As of September 22, 2021, the mortgage rate for a 30-year mortgage was 2.86 percent.<sup>8</sup>

<sup>8</sup> Freddie Mac, Accessed September 22, 2021

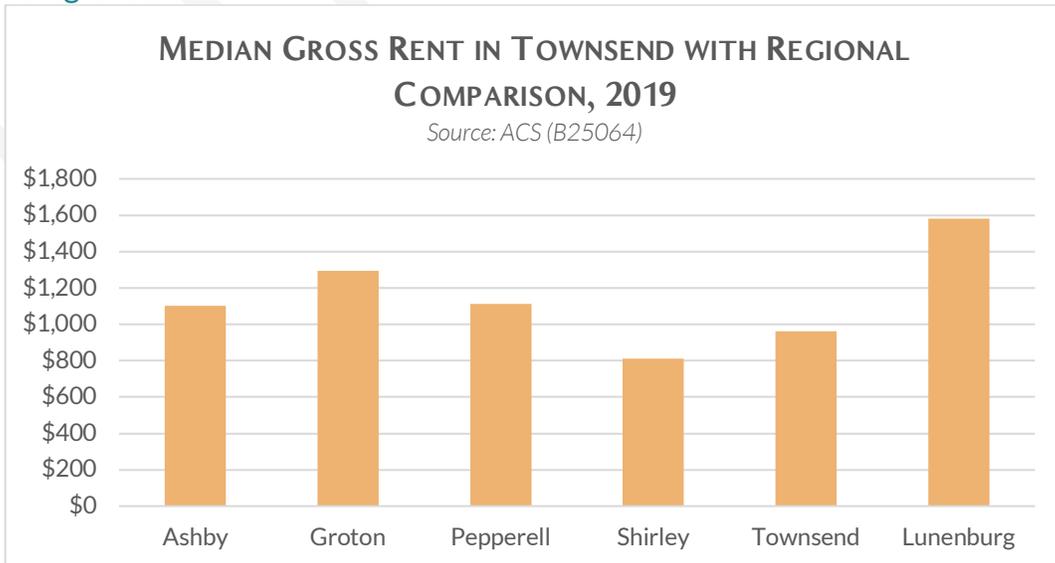
### Ownership Housing Costs

The median sales price for a home in Townsend decreased slightly between 2010 and 2012 but has gradually increased since then. At the 2020 median sales price of \$317,000, a household would need an income of about \$84,600 to afford the purchase, assuming a 10 percent down payment, the current tax rate, and the current interest rate.



Prices for condos in Townsend are significantly lower than prices of single-family homes, with considerably more fluctuation and a recent downward trend. However, a consistently low volume of condos for sale (generally less than 20 per year) reduces the impact of their lower price on housing availability, as well as explaining the variability in the data.

### Rental Housing Costs



The median gross rent for a rental unit in 2019 was estimated to be \$961 according to ACS estimates, a 17 percent increase since 2010. This figure is on the low end when compared to nearby communities, with only Shirley’s median rent lower at \$810.

Unfortunately, Census data regarding rents is not the most reliable. First, rents are self-reported via the American Community Survey. Second, they represent units that were leased at any time prior to survey response, so they do not paint an accurate picture of the current market. Third, the census data is based on a small sample size. However, the Census data does give us an overall picture of the rental market, and other data sources are scarce. A search of several listings websites in September 2021 produced only one rental listing in Townsend – a two-bedroom for \$1,400 per month on apartments.com and no listings on Zillow or Trulia, demonstrating the lack of rental options in the town.

## RECENT & FUTURE DEVELOPMENT

Townsend currently has no developments in the pipeline to create additional affordable housing to be recorded in the SHI. The most recent developments added to the SHI were 24 units at Turnpike Village in 2014, 24 units at Turnpike Village in 2013, and 36 units at Townsend Woods in 2010.

## HOUSING AFFORDABILITY

### HOUSEHOLDS ELIGIBLE FOR HOUSING ASSISTANCE

One measure of affordable housing needs is the number of households that may be eligible for housing assistance based on estimated household income. Federal and state programs use Area Median Income (AMI), along with household size to identify these households. The table below shows U.S. Department of Housing and Urban Development (HUD) income limits for extremely low (below 30 percent of AMI), very low (30-50 percent of AMI), and low-income (50-80 percent of AMI) households by household size for the Boston-Cambridge-Quincy Metropolitan Statistical Area (MSA), which includes Townsend.<sup>9</sup> Typically, households at 80 percent of AMI and below may qualify for housing assistance, though there are some exceptions based on household size and assets.

<b>2021 Affordable Housing Income Limits</b>			
<b>Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area</b>			
<i>Household Size</i>	<i>Extremely Low Income (30% AMI)</i>	<i>Very Low Income (50% AMI)</i>	<i>Low Income (80% AMI)</i>
1 Person	\$28,200	\$47,000	\$70,750
2 People	\$32,200	\$53,700	\$80,850
3 People	\$36,250	\$60,400	\$90,950
4 People	\$40,250	\$67,100	\$101,050
5 People	\$43,500	\$72,500	\$109,150
6 People	\$46,700	\$77,850	\$117,250
7 People	\$49,950	\$83,250	\$125,350
8 People	\$53,150	\$88,600	\$133,400

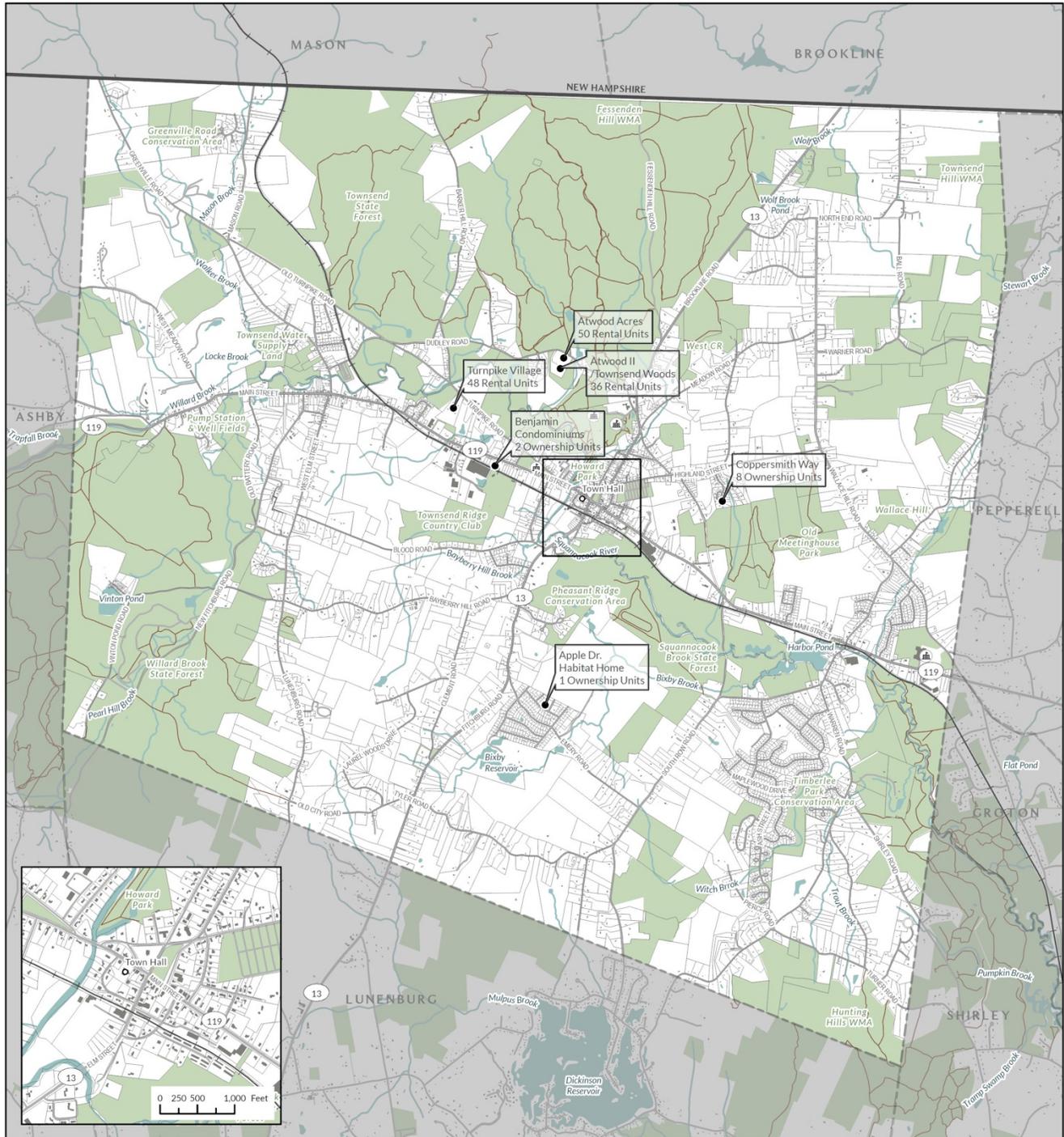
Source: HUD

<sup>9</sup> The Boston-Cambridge-Quincy MSA includes 112 cities and towns spread throughout parts of Essex, Middlesex, Norfolk, Plymouth, and Suffolk counties in Massachusetts. The MSA also includes three towns in Rockingham County, New Hampshire.

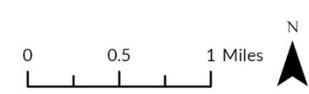
# TOWN OF TOWNSEND - SUBSIDIZED HOUSING

Prepared by JM Goldson LLC

J M GOLDSON



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap

Data from HUD’s Comprehensive Housing Affordability Strategy (CHAS) reports that around 1,190 households in Townsend are extremely low-income, very low-income, or low-income, earning less than 80 percent of the Area Median Income. This makes up around 35 percent of Townsend households, many of which may qualify for affordable housing programs based on income.

## CURRENT M.G.L. CHAPTER 40B SUBSIDIZED HOUSING INVENTORY

Under M.G.L. Chapter 40B, affordable housing units are defined as housing that is developed or operated by a public or private entity and reserved by deed restriction for income-eligible households earning at or below 80 percent of the AMI. In addition, all marketing and placement efforts follow Affirmative Fair Housing marketing guidelines per the Massachusetts Department of Housing and Community Development (DHCD). These units are also deed restricted units.

Housing that meets these requirements, if approved by DHCD, is added to the subsidized housing inventory (SHI). Chapter 40B allows developers of low/moderate-income housing to obtain a comprehensive permit from the Townsend Zoning Board of Appeals to override local zoning and other restrictions.

A municipality’s SHI fluctuates with new development of both affordable and market-rate housing. The percentage is determined by dividing the number of affordable units by the total number of year-round housing units according to the most recent decennial Census. As the denominator increases, or if affordable units are lost, more affordable units must be produced to reach, maintain, or exceed the 10 percent threshold.

The SHI shows that Townsend had 145 subsidized units as of July 2021, making up 4.3 percent of its total housing stock. Most of these units are rental units (153 units). According to the SHI, the projects at Atwood Acres (50 units), Townsend Woods (36 units), and Turnpike Village (48 units) make up the bulk of the rental units. Ownership units are in the Benjamin Condominiums (2 units), Coppersmith Way (8 units) and the Habitat for Humanity house on Apple Drive (1 unit).

The total number of units in Townsend, which is used as the denominator when calculating Townsend’s SHI percentage, will change following the full release of 2020 census data, currently estimated to be in late 2022. When the denominator changes, the percentage of housing units on the SHI will drop unless more units are added.

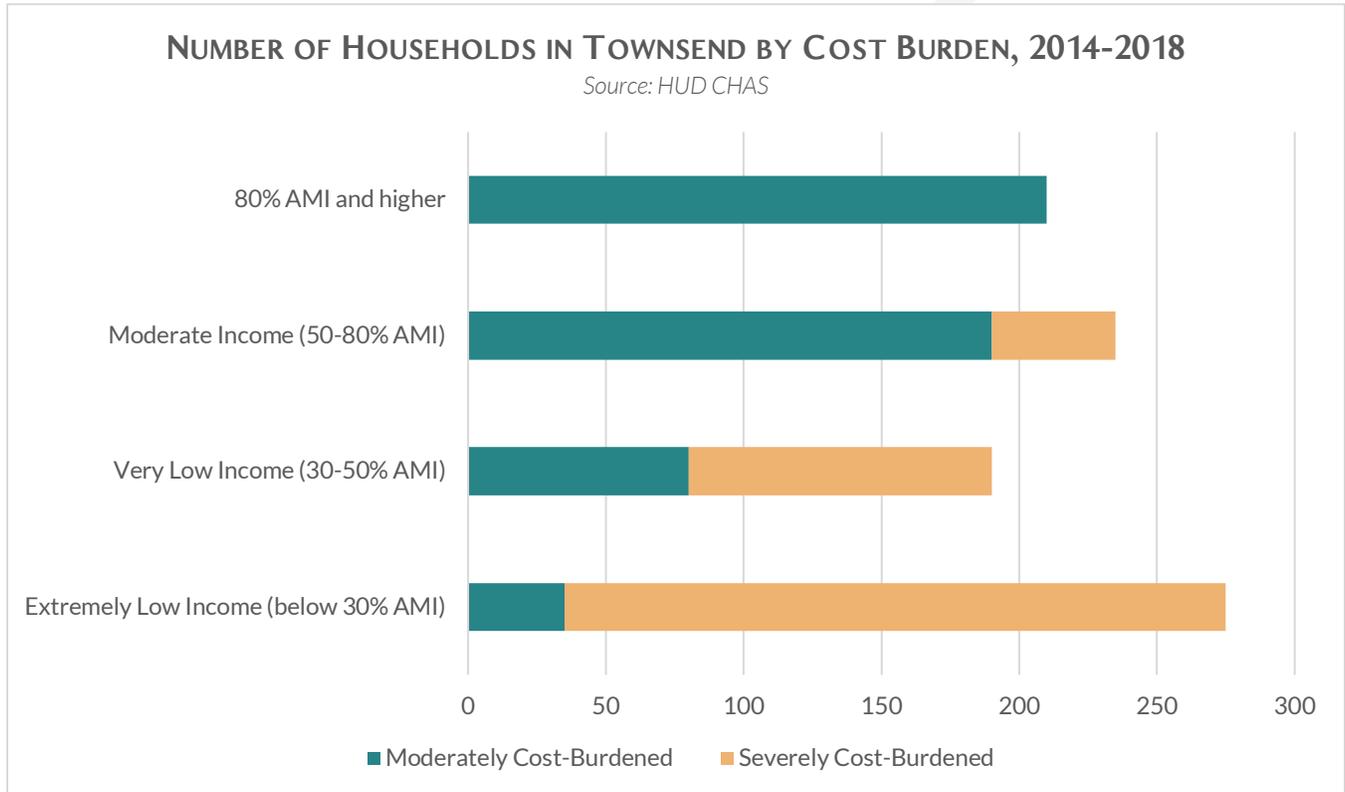
***While DHCD’s official determination of compliance with the 10 percent minimum is pending, the 2020 Decennial Census figures, released recently, indicate that Townsend will remain significantly below the minimum 10 percent threshold.***

The 2020 count of total housing units reported by the Census Bureau is 3,566 and 106 vacant units.

It is important to note that due to state eligibility policies under M.G.L. 40B, the actual number of affordable units in any community may be lower than the inventory indicates since all units in rental developments which contain a certain percentage of affordable units are counted on the SHI. However, all the rental units on Townsend’s SHI are in 100 percent affordable projects so the number on Townsend’s SHI does accurately reflect the actual number of units in the town.

## HOUSING COST BURDEN

One method to determine whether housing is affordable to a community's population is to evaluate households' ability to pay their housing costs based on their reported gross household income. HUD considers households who spend more than 30 percent of their gross income on housing to be "housing cost burdened" and those that spend more than 50 percent to be "severely housing cost burdened." Landlords and banks enforce these standards and will generally not sign a lease or qualify someone for a mortgage if they will be paying more than 30 percent of gross income towards housing costs.



In Townsend, about 27 percent of all households are cost-burdened, about 910 households in total. When broken down by income, about 49 percent of moderate-income households (earning between 50 and 80 percent AMI) and 45 percent of very low-income households (earning between 30 and 50 percent AMI) are cost burdened.

***Around 95 percent of extremely low-income households in Townsend (earning less than 30 percent AMI), or about 275 households, are cost-burdened, and of those, about 240 are severely cost-burdened, spending more than 50 percent of their income on housing costs. About 110 households earning between 30 and 50 percent AMI are severely cost-burdened, and about 45 households earning between 50 and 80 percent AMI are also severely cost-burdened.***

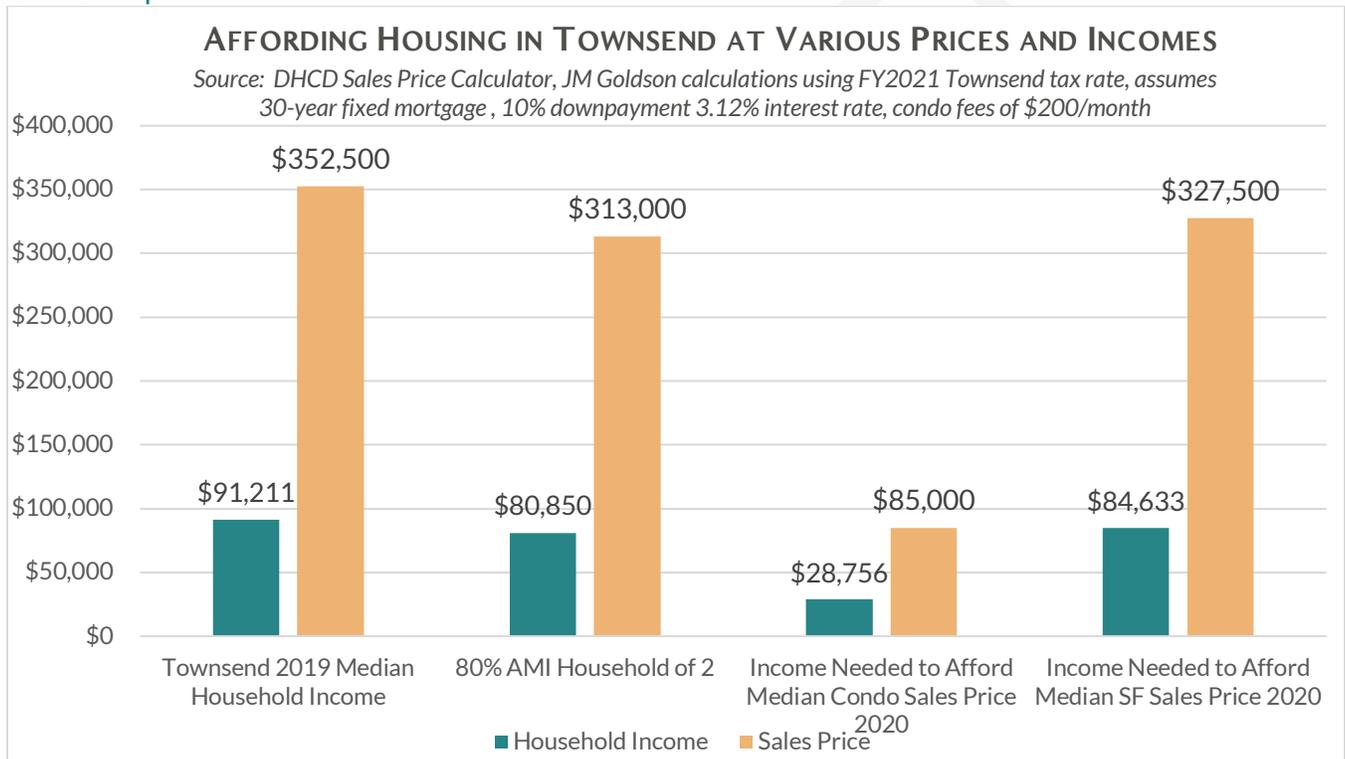
In Townsend, 76 percent of severely cost-burdened households earning less than 80 percent of AMI are ownership households. This suggests that these households may struggle to keep up on their mortgage payments, increasing the risk of foreclosure and loss of an important asset.

## AFFORDABILITY GAP

An affordability gap refers to the difference between what households can pay for housing and the actual costs of renting or purchasing a home.

***In Townsend, unlike many Massachusetts communities, there is not a substantial affordability gap for purchasing homes based on the town's median household income, but there is a gap in affordability of rental units at various income levels.***

## Ownership



A Townsend household earning the 2019 median household income of \$91,211 could afford to buy a house at the 2020 median single-family home sales price of \$327,500. A household earning 80 percent of the AMI would earn approximately \$4,000 per year short of the amount they would need to buy a home at the median single-family home price. This indicates that home ownership is within reach for Townsend residents earning at or above the town's current median household income, but not for residents earning under 80 percent of AMI, suggesting a need for subsidized homeownership opportunities for lower-income residents.

## Rental

For rentals, Townsend's lowest-income households earning less than 30 percent of AMI would be able to afford a monthly rent of \$705 for a one-person household or \$1,006 for a four-person household. Households earning 80 percent of AMI would be able to afford rent of around \$1,769 for a one-person household or \$2,526 for a four-person household. Based on the ACS gross rent statistics as well as the online listings discussed above, households earning 30 percent of AMI or less would not be able to afford Townsend's median gross rent of \$961 for a household of under four people, and a four-person household would only barely pass the threshold of affordability. Households earning 80 percent AMI would fare better

but keeping in mind the likely underestimation of the census data, as well as the online listing for \$1,400 and overall lack of apartment availability implies the need for more rental housing at affordable levels.

## SUMMARY

Like many surrounding communities, Townsend's housing stock is comprised of primarily single-family units. There is a mismatch in the town between the number of bedrooms per unit and the number of people per household, demonstrating a need for units with fewer bedrooms to ensure affordability for smaller households. Despite the prevalence of single-family housing, renters in the town live more frequently in multifamily housing. Overall, Townsend experiences a very high demand for housing, particularly rentals, with a rental vacancy rate of zero percent in the most recent ACS.

Housing prices have increased in recent years, though unlike many communities, Townsend residents earning the median household income would be able to purchase a house at the town's median sales price, according to the DHCD calculator. On the other hand, lower and moderate-income renters would have difficulty affording a rental unit without becoming cost burdened.

About 20 percent of Townsend's low- and moderate-income households are cost burdened, spending more than 30 percent of their income on housing costs. These residents, as well as potential future low- and moderate-income residents with similar income levels, would be eligible for housing assistance. The town is significantly below the state's 10 percent threshold for subsidized housing units and the lack of new subsidized developments in the pipeline, along with the statistics analyzed in this section and the overall decrease in new housing construction in the town since 2000, suggest the need for a renewed strategy to increase Townsend's affordable housing stock.

# CHAPTER 5: DEVELOPMENT CONSTRAINTS

There are many factors that influence the feasibility of housing production, from physical limitations to regulations that shape development and land use. This chapter reviews environmental constraints, infrastructure constraints, and regulatory barriers. Note that this analysis relied heavily on the 2012 Town of Townsend, MA Open Space and Recreation Plan (OSRP), particularly Section 4: Environmental Inventory and Analysis. The description of development constraints to follow include direct excerpts from the OSRP. Citations are included for other sources.

## KEY FINDINGS

### ENVIRONMENTAL CONSTRAINTS

- Townsend’s landscape remains undeveloped in many hilly areas due to comparatively low development pressures and state land purchases, with most developed areas in the valleys.
- The irregular topography limits development potential on the steep slopes of the town’s hills, with road construction, on-site sewage disposal, and sewer and water line installation all difficult on these slopes which can be upwards of 10 percent.
- The Wetlands Bylaw requires approval from the Conservation Commission for nearly all development projects outside of the Route 119 corridor.
- Thirty-three percent of developable land in Townsend is in the 100-year flood zone and an additional 30 percent is in the 500-year flood zone, an important consideration when choosing sites for development. Global climate change will only continue to exacerbate extreme weather events contributing to flooding, increasing the risk to Townsend in future decades.
- Around 70 percent of Townsend is contained within the Squannassit Area of Critical Environmental Concern (ACEC). The ACEC designation does not explicitly prevent development, but it does require the town to steward development within the area more carefully.

### INFRASTRUCTURE CAPACITY

- Townsend’s drinking water is sourced from two aquifers which lie under approximately half of the town. Much of the rest of the town is relied upon to recharge these aquifers. About half of Townsend residents are served by the Townsend Water Department, and the remainder are reliant on privately owned wells. The Water Department’s capacity is planned to increase with a new well and treatment plant in the coming years.
- Townsend’s wastewater is disposed entirely by private septic systems, and there are no plans for municipal sewer service at this time.
- Automobile traffic has increased in recent decades due to commuters originating in the town and passing through. A relatively limited number of job opportunities in the area compel residents to often travel more than 20 miles to work.

### REGULATORY CONSIDERATIONS AND BARRIERS

- Advancements in wastewater technology have improved the outlook for denser development in the town but overall, the town has continued to rely on uniform, large lot zoning and stringent site controls to mitigate the risks associated with septic systems.
- Despite regulations allowing for multifamily developments in residential zones, the required multifamily densities are so low as to be impractical for development.

- The requirement in the Affordable Accessory Apartment Program that accessory apartments be affordable may provide a barrier to their development due to the regulatory process, marketing requirements, and administrative responsibilities.
- The DCD and NCD Commercial Districts allow single-family homes by right and mixed-use buildings by special permit, as well as multifamily housing of one to six units on structures already existing on the lot by special permit.
- Under the Affordable Housing Conditional Density Bonus program, the Planning Board can issue a special permit requiring that a minimum of 30 percent of units in OSRP or OSMP developments be sold and maintained at affordable prices.

## ENVIRONMENTAL CONSTRAINTS

### LANDSCAPE CHARACTER

Townsend’s character has evolved through the interaction of its natural history, cultural history, and environmental protections, which together have led to its current landscape. The ancient bedrock was later shaped by glacial activity over many centuries, resulting in a hill and valley topography. The hilly portions are in the north and west of the town, and the valleys comprise the Squannacook River Watershed including the river itself and its streams and tributaries. The glacial deposits left primarily sand and gravel, which led to rocky soil and later to a small industry for mining these materials. Most importantly for the town was the creation of a large aquifer which is recognized statewide for its large quantity and high quality.

Townsend’s initial development centered around the Harbor, with the 45-acre Harbor Pond resulting from the damming of the Squannacook River in 1733. This led to the development of a mill industry in that area. Later, roadways and railways altered the landscape as the center of town and later West Townsend saw the development of a town hall, rail stations, and industries which developed primarily along the roads, leaving large amounts of agricultural and undeveloped areas farther from the transportation networks.

Over time, as industry moved to other areas of New England and more roads were constructed, abandoned agricultural lands became the current forested areas and new small neighborhood developments emerged as population increased and demand for more services and schools grew. Some of this development took place along the roads, particularly in hilly areas, while flatter valley areas were developed into today’s denser neighborhoods.

***Today, Townsend’s landscape remains undeveloped in many hilly areas due to comparatively low development pressures and state land purchases, with most developed areas in the valleys.***

The town’s environmental ethic has preserved much of the rural character and wildlife habitats. The aquifer was protected by law in 1986, preventing new structures considered hazardous to its quality. The three major historic areas – the Center, West Townsend, and the Harbor – have been protected and result in a strong historic presence in the town as well.

### GEOLOGY AND TOPOGRAPHY

Townsend lays in the Central Uplands division of the Appalachian Highlands physiographic division. This landscape is characterized by steep hills dissected by deep, narrow, interconnected valleys. The bedrock underlying the town was formed 500-280 million years ago, and much of the current landscape was formed by glaciers around 15,000 years ago, which deposited large amounts of till on Townsend’s hills. Till is a

mixture of sand, silt, and clay mixed with angular boulders and cobbles, and varies from 5 to 15 feet in depth on the hills throughout the town, with thinner deposits in the Townsend State Forest and Townsend Hill, and thicker deposits on Bayberry Hill and the hills near the Warren and Shirley Road intersections. The glaciers left behind coarse gravel and sand in Townsend's valleys, including along the Squannacook River, Ash Swamp, Pearl Hill Brook, and Witch's Brook. This coarse gravel also creates a desirable aquifer as well as flatter land and is found beneath the West Townsend Center and town center, as well as under the paths of Routes 119 and 13. Other deposits of post-glacial muck and peat surround marshes, swamps, and bogs in the town. The only area of artificial fill in Townsend is under the North Middlesex Regional High School.

Townsend's hills vary in height ranging from 250 to over 600 feet above sea level, with Bayberry Hill and other hills in the south-central part of town at 690 feet, the hills and drumlins in Willard Brook State Forest at 660 feet, Townsend Hill at 625 feet, and Meetinghouse Hill east of the town center at 420 feet.

***The irregular topography limits development potential on the steep slopes of these hills, with road construction, on-site sewage disposal, and sewer and water line installation all difficult on these slopes which can be upwards of 10 percent.***

The 1969 Master Plan's conclusion that "any further intensification of residential or commercial development will probably be confined to the area of Townsend that is presently built up, the main corridor" remains primarily true, though some development is beginning to occur in other areas.

## SOILS

Townsend's soils have been broken down by the Natural Resources Conservation Services analysis into four classifications, each with specific drainage and development limitations as follows:

1. *Canton-Charlton-Hillos Associations* – Generally found in the northwest and southeast portions of the town in forested areas and protected open space, except for some roads developed on this soil type. Poorly suited to crops and sewage disposal.
2. *Hinckley-Freetown-Windsor Associations* – Mostly found in the western and northeastern portions of town. Mostly forested, some level areas used for homesites and cropland. Poorly suited to sewage disposal as they absorb but do not treat the waste from septic tanks. Some are wetlands and therefore unsuitable for development.
3. *Paxton-Montauk-Woodbridge Association* – Found in the southwest and northeastern portions of town. Good drainage on these soils, which are used for orchards, hay, pasture, and homesites. Poor sewage disposal due to restricted permeability and a seasonal high-water table.
4. *Quonset-Carver Association* – Mostly found south of Route 119 and east of Route 13 to the Groton border. Well drained soils containing areas of forest, cropland, and homesites. Poorly suited to sewage disposal as they absorb but do not treat the waste from septic tanks.

## WATERSHED

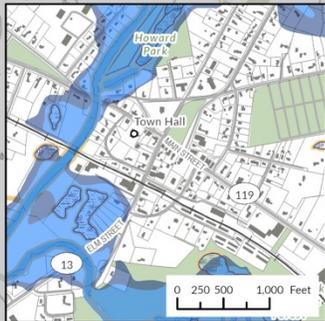
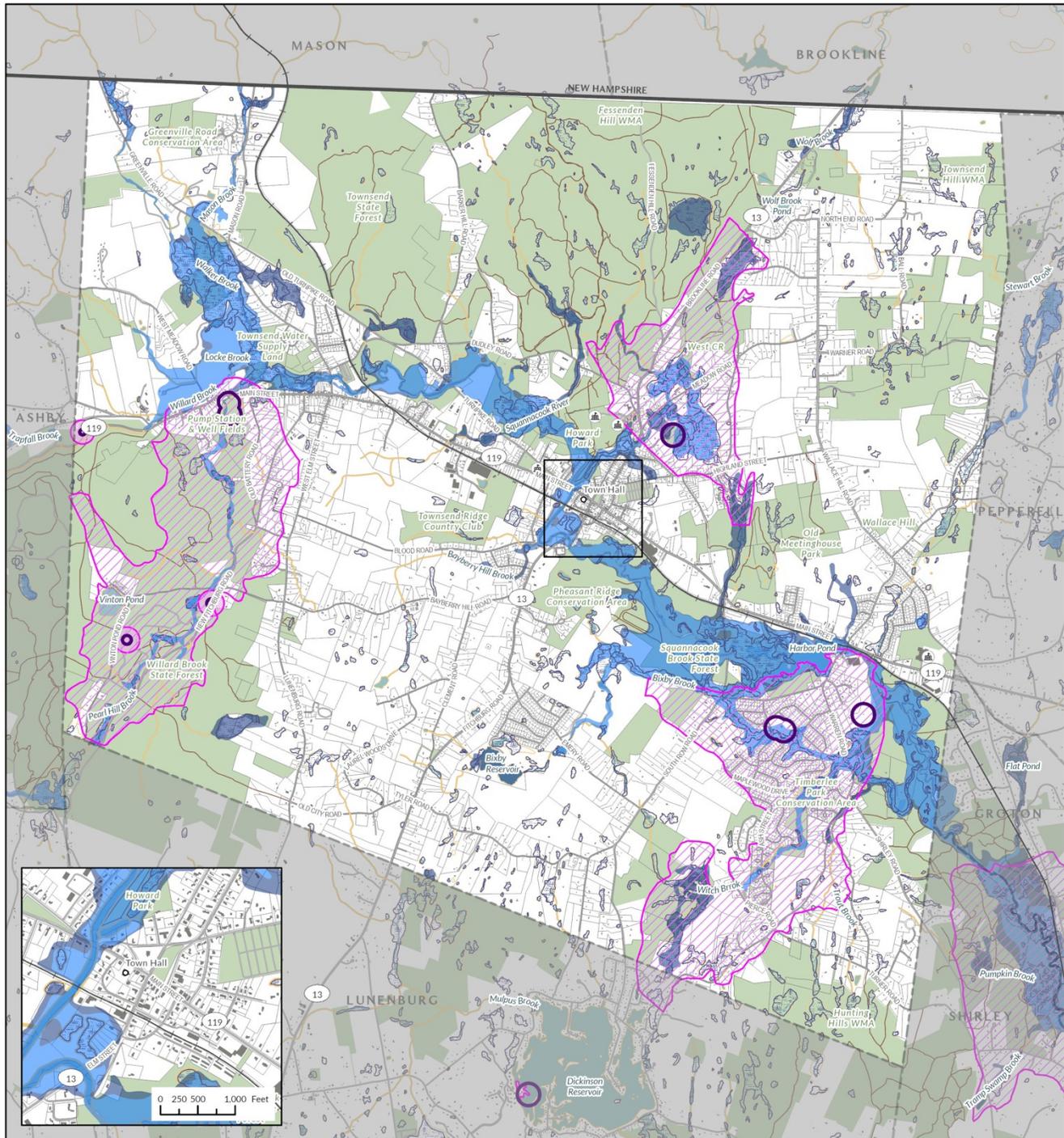
Townsend lies almost entirely within the Nashua River Watershed, which drains 538 square miles of area in Massachusetts and New Hampshire. The Squannacook River, which drains over 85 percent of Townsend's land, is a tributary of the Nashua, which itself flows into the Merrimack River Watershed. The Nashua River Watershed was highly contaminated but over the past thirty years has been a model of restoring water quality and eliminating toxic runoff through the actions of many volunteers and the Nashua River Watershed Association.<sup>10</sup>

<sup>10</sup> Nashua River Watershed, "5 Year Action Plan" [https://www.nashuariverwatershed.org/images/5yr\\_plan/watershed/index.html](https://www.nashuariverwatershed.org/images/5yr_plan/watershed/index.html)

# TOWN OF TOWNSEND - WATER RESOURCES

Prepared by JM Goldson LLC

J M GOLDSON



- |              |                                  |                                |
|--------------|----------------------------------|--------------------------------|
| Schools      | DEP Approved Zone I              | Wetlands                       |
| Buildings    | DEP Approved Zone II             | <b>Flood Zone Designations</b> |
| Parcels      | Interim Wellhead Protection Area | 100 yr. flood zone             |
| Trails       | Title 5 Setback Areas            | 500 yr. flood zone             |
| Water bodies |                                  |                                |
| Open space   |                                  |                                |



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap, FEMA

## SURFACE WATER BODIES

There are more than 200 acres of open water in Townsend, the largest being Harbor Pond (40 acres), followed by Bixby Reservoir and Vinton Pond (around 18 acres each). The largest river is the Squannacook River, which arises from Ash Swamp and traverses the town to Harbor Pond before eventually emptying into the Nashua River in West Groton. The river is a Class B Coldwater Fishery and is a platform for both resident and transient wildlife. The town's rivers, streams, and water resources are important environments for many trees including Red Maple, Alder, and Arrow-Wood, as well as blueberries, willows, and winterberries, which help anchor the soil and prevent flooding.

***The Department of Environmental Protection has classified nearly all of Townsend's surface water bodies as Outstanding Resource Waters, including Bayberry Hill Brook, Bixby Brook, Locke Brook, Mason Brook, Pearl Hill Brook, Pumpkin Brook, the Squannacook River, Stewart Brook, Trout Brook, Walker Brook, Willard Brook, Witch Brook, and Wolf Brook, as well as several unnamed streams.***

## WETLANDS AND VERNAL POOLS

Wetlands and floodplains are unique natural resources, providing flood storage and helping to filter pollution before it reaches underground water supplies. Wetlands also recharge ground water, which preserves present and potential water supplies, serve as plant and wildlife habitat, and produce nutrients for aquatic life. In Massachusetts, primary authority for implementation of wetland laws is given by the legislature to local municipalities through their Conservation Commissions.

Townsend contains many wetlands which are highly protected by state and local laws including the Townsend Wetlands Bylaw, amended in 1997 to include vernal pools and isolated wetlands and double civil penalties for violations.

***According to the OSRP, The Wetlands Bylaw requires approval from the Conservation Commission for nearly all development projects outside of the Route 119 corridor.***

There are also several large swamps including Ash Swamp, Dead Swamp, and Wolf Swamp, and two bog areas. Townsend contains 56 certified Vernal Pools and 93 potential Vernal Pools according to MassGIS data. Vernal pools occur across the landscape where small, woodland depressions, swales, or kettle holes collect spring runoff or intercept seasonally high groundwater tables. Some species of wildlife, such as wood frogs, spotted salamanders, and fairy shrimp, are totally dependent on vernal pools for their breeding and survival, while other species, such as spring peepers, breed in vernal pools but can breed and survive in other wetland habitats. Vernal pools also support a rich and diverse invertebrate fauna. Beginning in 1987, vernal pools were also given some protection under the State's Wetlands Protection Act (WPA).

## FLOOD HAZARD AREAS

Townsend has significant flooding potential due to the large number of streams as well as the Squannacook River. The most severe flooding in the town occurred along the river in 1936, and countywide there were 129 flood events and 30 flash flood events between 2000 and 2019, totaling \$53 million in property damages.

According to the 2020 Townsend Hazard Mitigation Plan – Municipal Vulnerability Preparedness Plan (HMP-MVP), approximately 18 percent of the developed parcels in Townsend are located within the FEMA

100-year flood zone, and an additional 25 percent in the FEMA 500-year flood zone. Ninety percent of institutional parcels, including government facilities, are in the 100-year flood zone.

**Thirty-three percent of developable land in Townsend is in the 100-year flood zone and an additional 30 percent is in the 500-year flood zone, an important consideration when choosing sites for development.**

In addition to heavy rain and snow melt, beaver activity also ranks highly on the list of potential flooding causes in Townsend. The following table details notable identified areas of flooding in the town.

Locally Identified Areas of Flooding in Townsend	
<i>(Source: 2020 Townsend Hazard Mitigation Plan – Municipal Vulnerability Preparedness Plan)</i>	
Location	Description
Route 13	Area will pond during and after heavy rain events and cause flood-related hazards.
North End Road, west of Ball Road	Heavy rain in this area caused the road to flood in 2006. Residents noted that flood-related hazards in this location still exist.
Pearl Hill Brook, south of Old Town Road	Beaver activity exists in the area immediate south of Old Town Road. Culverts that cross the road get blocked up annually and need to be cleared of debris. This causes the area of Pearl Hill Brook (to the south) to become swampy and the road to flood occasionally. Residents noted this area is a continual maintenance issue and there are rain related hazards. They also note that beavers may have moved from this area.
Intersection of South Row, South Harbor and Old Meeting House Road	Beaver activity in this area causes occasional flooding of the intersection and the area to the northeast.
Highland Street by Adams Road	Beaver activity in this location has been a hazardous issue along with heavy rain events.
24 Meadow Road	Beaver activity and damming causes swamping and flooding in the area.
17 Meadow Road	Beaver activity and damming cause flooding. Heavy rain and seasonal runoff hazards are common in the area.

**Global climate change will only continue to exacerbate extreme weather events contributing to flooding, increasing the risk to Townsend in future decades.**

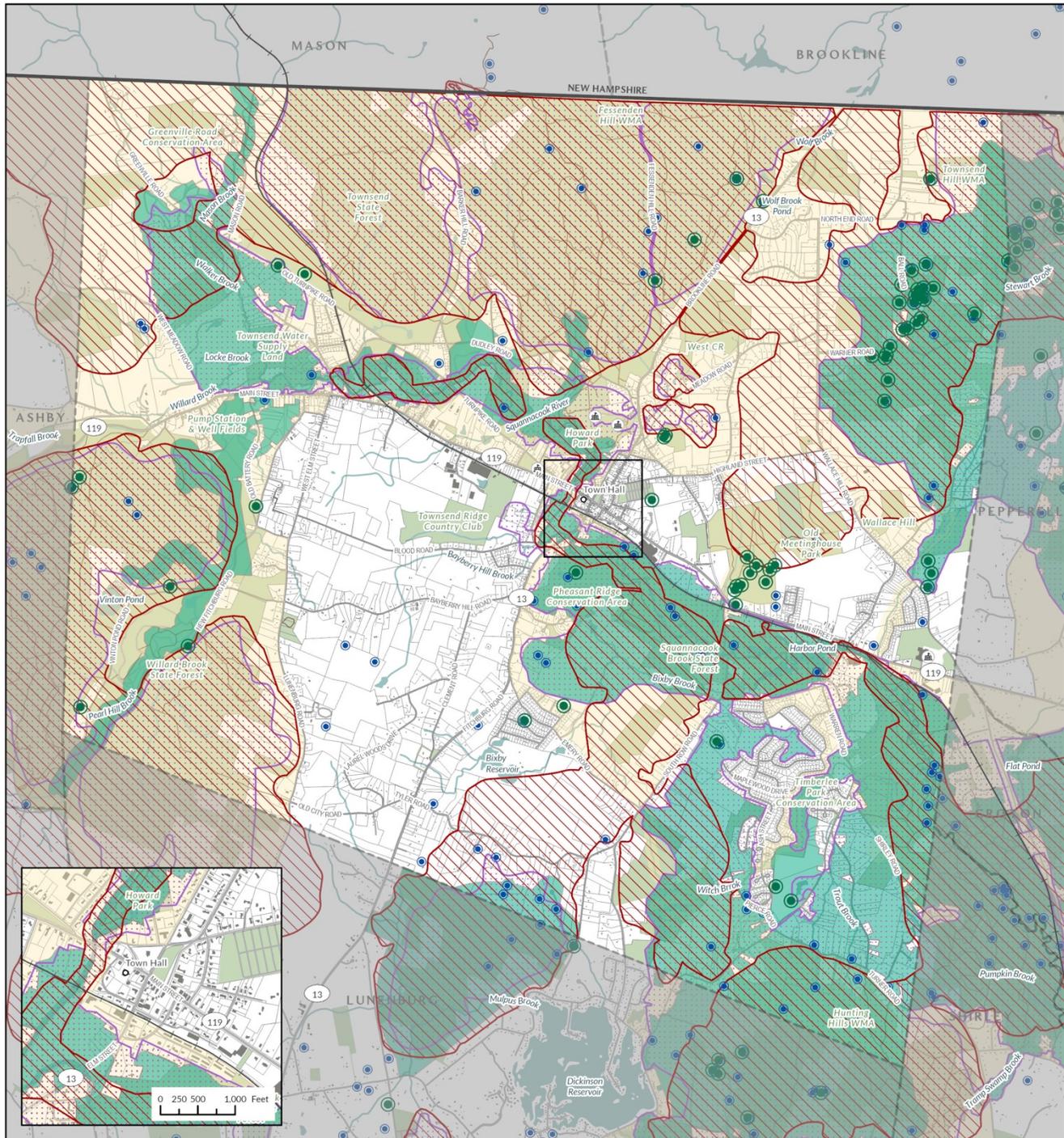
Extreme rain and snow events are becoming more severe in particular in the Northeastern U.S., with the largest events now generating 10 percent more rain than in 1948. New England now experiences extreme precipitation events 85 percent more frequently than 60 years ago.<sup>11</sup> It is important to consider these effects when planning future development in the town.

<sup>11</sup> Madsen, Travis, and Nathan Willcox. 2012. "When It Rains, It Pours: Global Warming and the Increase in Extreme Precipitation from 1948 to 2011." Environment America Research & Policy Center. [environmentamerica.org/sites/environment/files/reports/When%20It%20Rains,%20It%20Pours%20vUS.pdf](http://environmentamerica.org/sites/environment/files/reports/When%20It%20Rains,%20It%20Pours%20vUS.pdf)

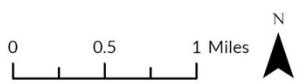
# TOWN OF TOWNSEND - HABITAT RESOURCES

Prepared by JM Goldson LLC

J M GOLDSON



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Certified Vernal Pools
- Potential Vernal Pools
- BioMap2 Critical Natural Landscape
- BioMap2 Core Habitat
- Priority Habitats of Rare Species
- Areas of Critical Environmental Concern



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap

## VEGETATION

Townsend is approximately three-quarters forested and the towns' forests are used extensively for recreation by its residents as well as for important habitat by numerous animal species which rely on large areas of land. Townsend's forests also help control erosion and improve air quality for residents. The Townsend State Forest in the north part of town is owned by the state Department of Conservation and Recreation and consists primarily of white pine or oak-hickory. In the southeast part of town, Willard Brook and Pearl Hill State Parks represent another large forest tract. Other trees in Townsend's forests include grey birch, elm, ash, and maple. Townsend also has over 1,300 acres of privately owned forest protected under Chapter 61.

## RARE AND ENDANGERED SPECIES

The Massachusetts Natural Heritage and Endangered Species Program has not listed any rare plant species in Townsend. Within the eleven BioMap2 Core Habitats in Townsend, numerous animals have been listed under the Massachusetts Endangered Species Act as follows:

Massachusetts Endangered Species Act (MESA) Species in Townsend			
Common Name	Scientific Name	Status	Notes
American Bittern	<i>Botarus lentiginosus</i>		A bird which nests in large marshes
Triangle Floater	<i>Alasmidonta undulata</i>	Special Concern	A type of freshwater mussel
Creepers	<i>Strophitus undulatus</i>	Special Concern	A type of freshwater mussel
Brook Snaketails	<i>Ophiogomphus aspersus</i>	Special Concern	A type of dragonfly
Spatterdock Darners	<i>Rhionaeschna mutata</i>	Special Concern	A type of dragonfly
Zebra Clubtails	<i>Stylurus scudderii</i>	Special Concern	Large dragonflies
Blanding's Turtles	<i>Emydoidea blandingii</i>	Threatened	Low replacement rates, use vernal pools to feed and mate
Bridle Shiners	<i>Notropis bifrenatus</i>	Special Concern	A type of minnow
Vesper Sparrows	<i>Poocetes gramineus</i>	Threatened	Grassland birds
Wood Turtle	<i>Glyptemys insculpta</i>	Special Concern	Requires long corridors of uplands
Eastern Box Turtle	<i>Terrapene carolina</i>	Special Concern	

## SCENIC AND HISTORIC RESOURCES

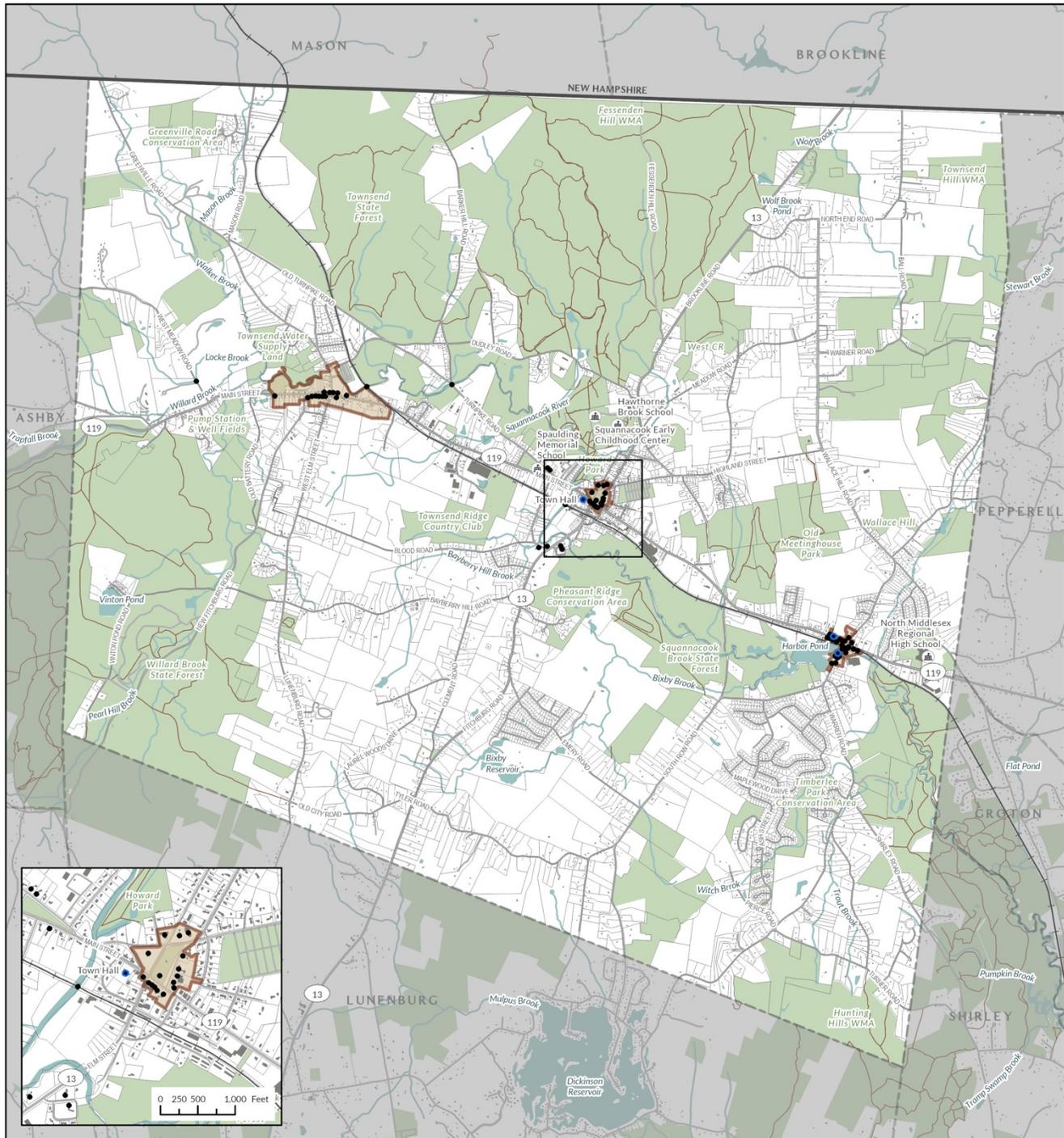
Townsend contains a variety of scenic and historic resources contributing to its rural and peaceful character, reinforcing its history, and highlighting the importance of its natural habitats and landscapes.

**Because the town contains several prominent aquifers, the intersection of two main types of forests which reach as far south as Georgia and north into Canada, a large concentration of Vernal Pools and other important habitats, and other natural and historic resources, about 70 percent of Townsend is contained within the Squannassit Area of Critical Environmental Concern (ACEC).**

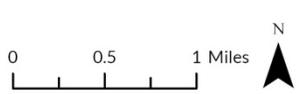
# TOWN OF TOWNSEND - HISTORIC RESOURCES

Prepared by JM Goldson LLC

J M GOLDSON



-  Schools
-  Buildings
-  Parcels
-  Trails
-  Water bodies
-  Open space
-  Preservation Restriction
-  Historic Sites
-  Local Historic District



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap, MACRIS

ACECs are places in Massachusetts that receive special recognition because of the quality, uniqueness, and significance of their natural and cultural resources, creating a framework for local and regional stewardship of critical resources and ecosystems. The ACEC designation does not explicitly prevent development, but it does require the town to steward development within the area more carefully. Additionally, the state owns 31 percent of the land in Townsend (6,572 acres), which is included in the ACEC and designated as open space for passive recreation.

### Scenic Landscapes and Roads

The town's elevated hills and open fields provide important scenery to residents and visitors. Most notable are the vistas from Townsend Hill, Barker Hill, and Bayberry Hill. Other important scenic areas are the Squannacook River, Ash Swamp, the Town Common, Bixby Reservoir, the Vernal Pools, several farms in the town, and a deep ravine in the Townsend Hill Wildlife Management Area. All roads in Townsend except State Routes 119 and 13 are designated Scenic Roads requiring a public hearing if people wish to remove trees along them.

### Historic Resources

Townsend has established three Historic Districts in each of its "village" areas. These districts are Zoning Overlay Districts and are administered by the Historic District Commission which enforces the Townsend Historic District By-Law.

Historic District I is in the center of the town and contains Memorial Hall, Town Hall Annex, and the Town Common, as well as several other historic buildings. Historic District II is in the Harbor area where the Squannacook River becomes the Harbor Pond. This area contains various historic buildings owned by the town including the Spaulding Grist Mill, the Reed Homestead, the Cooperage, and the Harbor Church as well as several residences and private buildings. Historic District III is in West Townsend and includes the West Townsend Fire Station and the West Townsend Reading Room as well as various private residences and a church.

Townsend does not have any properties listed on the National Registry of Historic Places.

### HAZARDOUS WASTE SITES

There are several confirmed hazardous waste sites in Townsend which have experienced reportable releases of chemicals in the past ten years according to data maintained by the Massachusetts DEP Bureau of Waste Site Cleanup. There is also a two-acre site on Turnpike Road which was a rudimentary dump and could fit into the brownfield program. There are numerous auto body shops, repair shops, service stations, vehicle fleet maintenance facilities, a highway department, and manufacturing industries within Townsend's aquifer district. These businesses hold potential for groundwater contamination, though none has been identified yet. Townsend residents can dispose of their waste oil through the Townsend Highway Department and other hazardous waste monthly at the Devens Regional Household Hazardous Products Collection Center.

## INFRASTRUCTURE CAPACITY

### WATER AND SEWER

#### Water Supply

Townsend's drinking water is sourced from two aquifers which lay under approximately half of the town, predominantly south of Route 119 in a moderately developed residential area. Much of the rest of the town

is relied upon to recharge these aquifers, potentially restricting development in certain areas since the groundwater moves predictably from the highest to lowest point in the water table.

***About half of Townsend residents are served by the Townsend Water Department, with the remainder reliant on privately owned wells.***

The Water Department draws from five wells: Main St. Well (about 23 percent of supply), Cross St. Well (about 20 percent of supply), Harbor Trace Well (about 30 percent of supply), and Witch's Brook Wells 1 and 2 (about 27 percent of supply together). For each source there are several zones of protection required by the DEP and codified in the Groundwater Protection Bylaw in 1998 and 2009. Zone I extends in a 400-foot radius around the source and must be owned by the municipality. Zone II is the area of aquifers which contribute water to a well under the most severe pumping and recharge conditions. Zone III is a larger area which contains the waters which drain into Zone II at a slower rate. The location of wellheads and protection zones are shown on the accompanying map. The department distributes this water via approximately 50 miles of pipe, some of which date back to 1934. The water is treated with Sodium Hydroxide to achieve a neutral pH, since the groundwater sources throughout the northeast are corrosive and will cause harmful metals to leach from pipes into the water if untreated.

Per September 2021 correspondence with the Townsend Water Department Superintendent, the current capacity at the main Harbor Trace well is 1.358 million gallons per day (MGD). This capacity is expected to increase to 1.93MGD in the spring of 2022 after a new well is constructed at Main St. A new water treatment plant at Harbor Trace is tentatively scheduled to begin construction in August 2022 and would increase capacity to 2.93MGD.

***Since the town overlays its aquifer areas, there are important considerations for development related to sustainable water supply.***

The aquifer underlies not only a large portion of Townsend but also stretches into adjacent towns, increasing the need for regional cooperation in water management. Additionally, large portions of Townsend are still available for residential development, much of which overlays the aquifer, which suggests the need for future town purchases of strategic parcels in Zone II. The town also has an Aquifer Protection Overlay District Bylaw which prohibits certain types of uses and the presence of hazardous materials for any new construction or reuse.

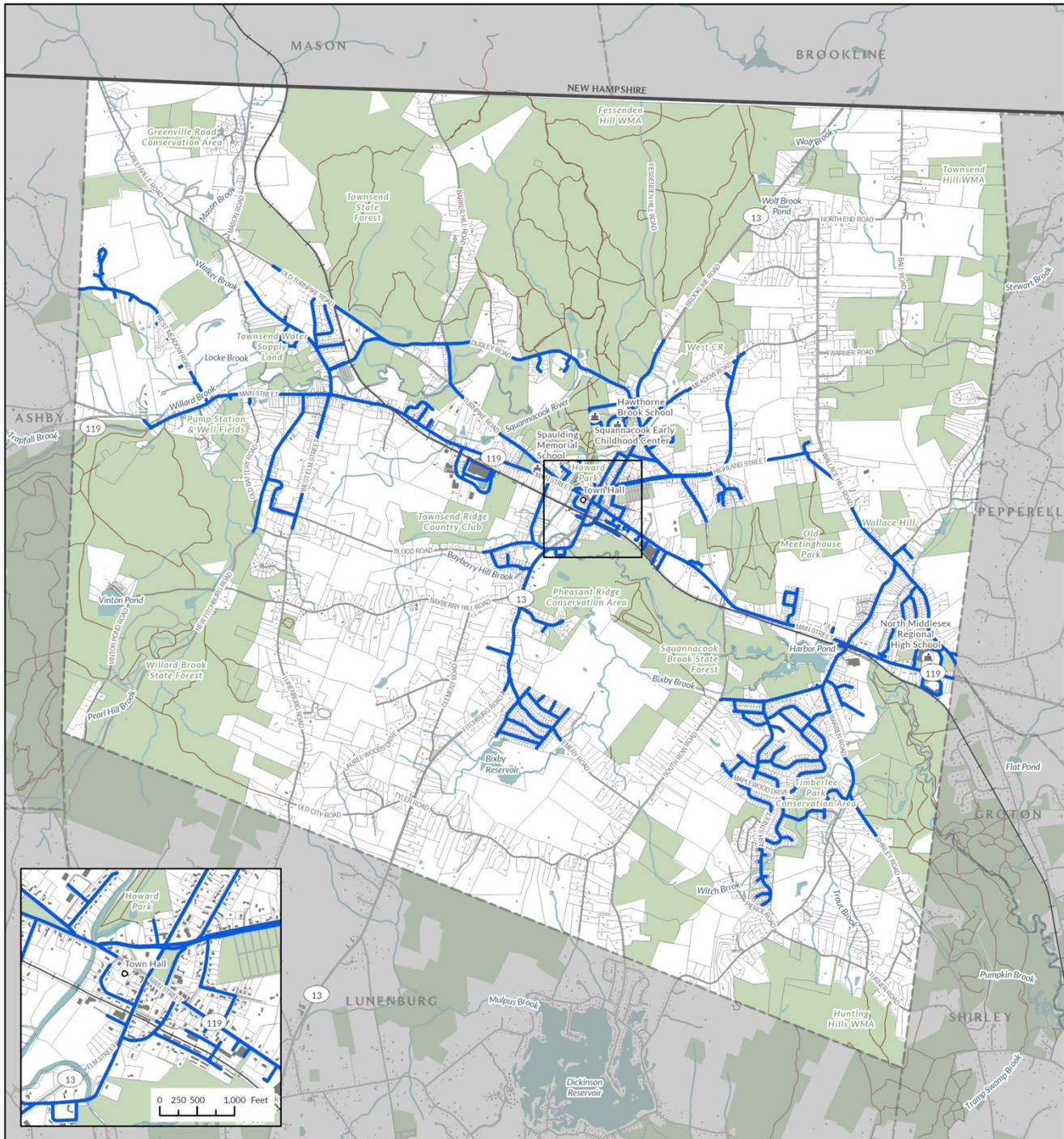
## Wastewater

***Townsend's wastewater is disposed entirely by private septic systems. Per communication with the Water Department Superintendent in September 2021, there are no plans for municipal sewer service currently.***

# TOWN OF TOWNSEND - WATER INFRASTRUCTURE

Prepared by JM Goldson LLC

J M GOLDSON



- Schools
- Buildings
- Parcels
- Trails
- Water bodies
- Open space
- Water mains



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap

Septic system failures are common, but Massachusetts Title V regulations support ongoing repairs. These failures, as well as cesspools, are more common in older homes along the Squannacook, raising concerns about contamination of the river and other water bodies. Nitrogen is the primary contaminant of concern since it is a common effluent of septic systems and is not removed effectively by the ground water system. Road salts can also move through the groundwater system and increase sodium levels of the groundwater. Since there are numerous private wells in the town, there is a concern about contamination of these smaller sources by nearby septic systems, though this will be mitigated with the development of town-wide water service in 2024. Restrictions on septic systems located on the many steep slopes in the town as well as regulations prohibiting leaching fields within 100 feet of a wetland and 200 feet of a stream are also development considerations to keep in mind.

## SCHOOLS

Townsend is served by the North Middlesex Regional School District, which also serves the towns of Ashby and Pepperell. The district contains seven schools which currently enroll 2,893 students:<sup>12</sup>

School	Town	Grades	2020-2021 Enrollment
Squannacook Early Childhood Center	Townsend	Pre-kindergarten - 4	47
Spaulding Memorial School	Townsend	Kindergarten - 4	397
Ashby Elementary School	Ashby	Kindergarten - 4	172
Varnum Brook Elementary School	Pepperell	Kindergarten -4	495
Hawthorne Brook Middle School	Townsend	5-8	488
Nissitissit Middle School	Pepperell	5-8	501
North Middlesex Regional High School	Townsend	9-12	793

The student body is primarily White (87.8 percent). The next largest racial/ethnic group is Hispanic at five percent. The remainder of students are Mixed-Race (3.1 percent) African American (2.1 percent), Asian (1.8 percent), and Native American (0.1 percent). This student body is significantly less diverse than that of the Commonwealth but consistent with the demographic makeup of the town and region. Thirty-nine percent of students are classified as “high needs” and 22 percent are classified as “economically disadvantaged,” both lower than the statewide averages. However, 22 percent of students have a disability, compared with 18 percent statewide.<sup>13</sup>

The district is classified as making “Substantial Progress toward improvement targets” and does not require additional assistance or intervention according to the Massachusetts Department of Elementary and Secondary Education, scoring slightly above the statewide average in both English Language Arts and Mathematics in recent years.

Enrollment has been very consistent since 2016 except for a dip in 2020-2021 likely caused by the COVID-19 pandemic. This follows an earlier decline in attendance over the previous decade which has now stabilized.<sup>14</sup> The rate of students enrolled all year, called the stability rate, is also very high, at between 95 and 96 percent for the past five years.

<sup>12</sup> Massachusetts Department of Elementary and Secondary Education, North Middlesex School and District Profile, <http://profiles.doe.mass.edu>

<sup>13</sup> Massachusetts Department of Elementary and Secondary Education, North Middlesex School and District Profile, <http://profiles.doe.mass.edu>

<sup>14</sup> MHP Center for Housing Data / Massachusetts Department of Elementary and Secondary Education

## TRANSPORTATION

Townsend is bisected by the east-west Route 119 and the north-south Route 13. Route 119 is owned and maintained by the state. In total, Townsend has approximately 96.4 road miles.

***Automobile traffic has increased in recent decades due to commuters originating in the town and passing through. A relatively limited number of job opportunities in the area compel residents to often travel more than 20 miles to work.***

A state-conducted traffic count in 2013 showed average daily auto travel more than 13,500 vehicles on Route 119 and 9,000 vehicles on Route 13. The intersection of Routes 13 and 119 is a particularly problematic intersection which is very tight, causing frequent damage to signs and traffic signals when tractor trailers are unable to make the turn. In 2014, Townsend hired the Beta consulting firm to develop a pavement management and storm water mapping program which was updated in 2019. In the next five years the following roads are scheduled to be resurfaced, assuming sufficient funding is available: Ash St, Beech St, Maplewood Dr, Walnut, Gemini Ln, Libra Ln, Capricorn Ln, Aries Ln, Turnpike Rd, Woodland Dr, Laurel Woods Dr, and Route 13.<sup>15</sup>

No public transportation is available in Townsend except for the Lowell Regional Transit Authority's "Road Runner Senior Service" which will transport seniors who are 60 years of age or more by appointment for a fee within the town and to nearby areas between 8 AM and 4 PM weekdays. The closest public transportation is the MBTA bus and train in Ayer (10 miles), the MBTA rail station in Fitchburg (8 miles) and the Montachusett Regional Transit Authority local bus services in Fitchburg and Leominster (8-10 miles) which have shuttle services to Boston and Worcester.

Townsend only has sidewalks in the center of town on Route 119 and north on Route 13 as far as the Police Station-Library-School Complex. Travelling by foot or bicycle is difficult and dangerous on Routes 119 and 13 and the 2013 OSRP listed pedestrian safety and improvements on these roads as a goal. To this end, the Squannacook River Rail Trail, a 3.7-mile trail through Townsend and Groton on a disused rail bed owned by the MBTA is currently under construction, spearheaded by Squannacook Greenways, a local nonprofit. The trail will parallel the Squannacook river and connect Townsend's center, the Harbor, two historical districts, two shopping centers, the North Middlesex Regional High School, and several major open space areas including the Townsend State Forest and the Squannacook River and Ash Swamp Wildlife Management Areas. The first phase of the trail from Depot St. to Old Meetinghouse Road was opened on September 25, 2021. The Montachusett Regional Planning Commission also hosted a "Walk Townsend" open house in May of 2021 to solicit ideas from the community on improving pedestrian infrastructure and safety in the town.<sup>16</sup>

## REGULATORY BARRIERS AND CONSIDERATIONS

In addition to environmental and infrastructure factors that affect development, local policies and regulations directly impact the location and physical attributes of development opportunities. Local zoning and permitting processes are the two primary regulatory tools that can affect housing production.

---

<sup>15</sup> E-mail communication with James Smith, Townsend Highway Superintendent, September 2021

<sup>16</sup> <https://www.townsendma.gov/home/events/70811>

## ZONING REGULATIONS

Zoning is the regulatory side of land use planning. The Town’s Zoning Bylaw describes the regulations that are applied to parcels of land and directs property owners on what can and cannot be done with their land. Zoning regulates which uses are permitted on the parcel, where a structure can be placed on a parcel, how tall a structure can be, how much parking is required, how much open space or landscaping must be provided, and the number and size of signage. These regulations shape the built environment and the mixture of uses across the community.

As detailed in the Townsend Master Plan and the 2015 Housing Production Plan, the town’s zoning code was originally based on environmental concerns that reflected Townsend’s limited infrastructure and inhospitable soils.

***Advancements in wastewater technology have improved the outlook for denser development in the town but overall, the town has continued to rely on uniform, large lot zoning and stringent site controls to mitigate the risks associated with septic systems.***

The Townsend Zoning Bylaw includes two residential districts, three commercial districts, an industrial district, and two overlay districts. The newest changes to the Zoning Bylaw were adopted in May of 2021, adding provisions about Age Restricted Developments. The following provides a description of each zoning district and discusses their general purpose and allowable uses.

### Residential Districts

Townsend’s Zoning Bylaw contains two residential zoning districts. RA is a Residential Aquifer District and has a minimum lot area of 3 acres, and RB is a Residential district which does not lie on top of the aquifer area with a minimum lot area of 2 acres. Townsend’s Zoning Bylaw primarily allows single-family residential development, with 97 percent of the town zoned residential and no exclusive multifamily zoning. However, apartments of up to six units in Townsend can be built by special permit in RA and RB districts if they conform with the land space requirements detailed in the table below.

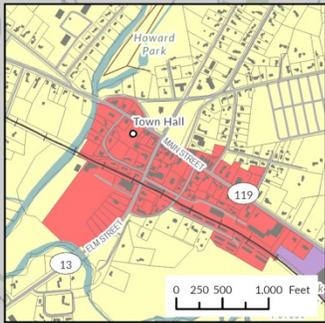
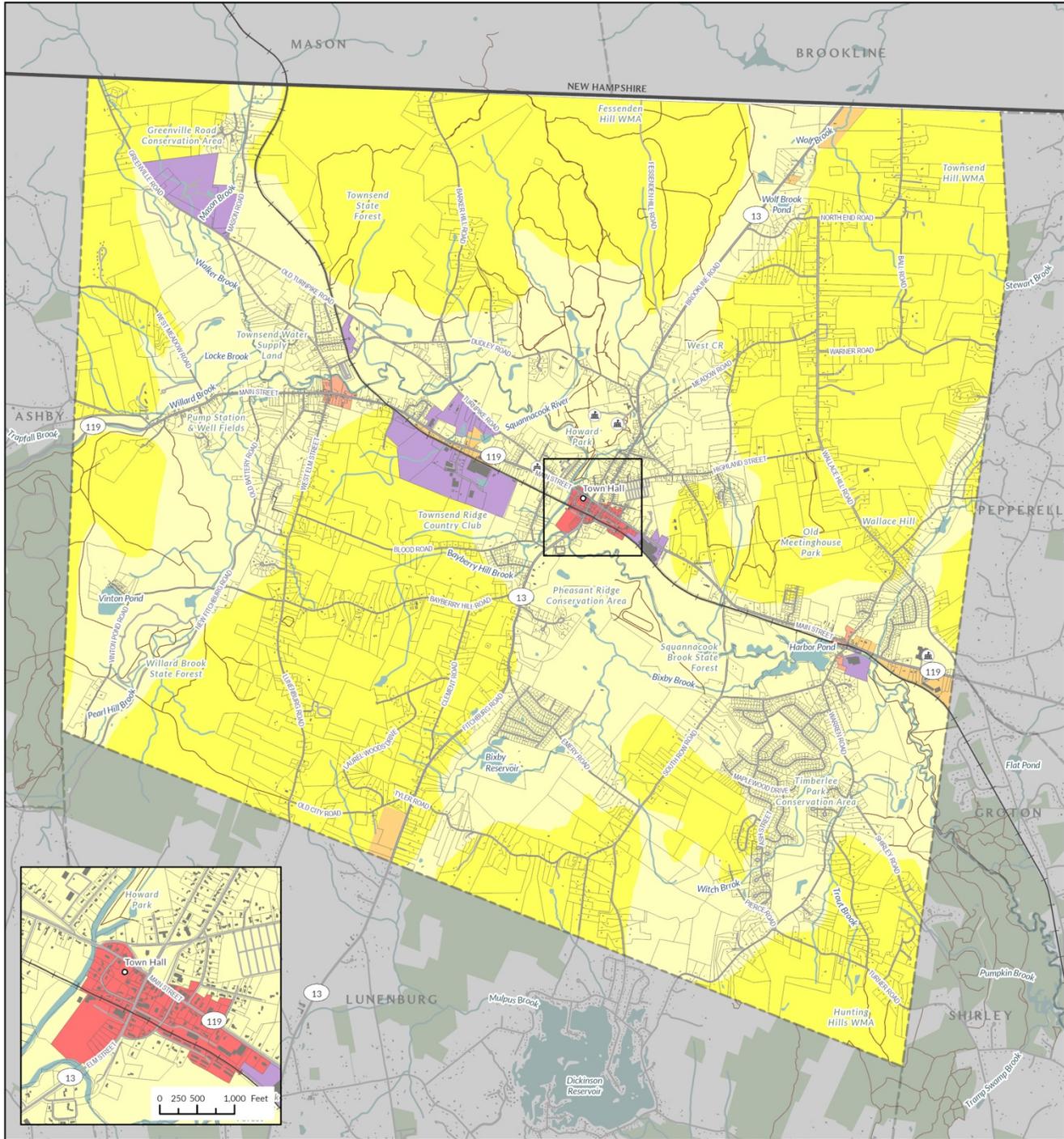
Townsend Land Space Requirements Table for RA and RB Zones <i>(Source: Townsend Zoning Bylaw 145: A1)</i>		
	Single-Family	Multifamily
Minimum Lot Area	3 acres (RA) / 2 acres (RB)	8 acres
Density		1 apartment per 3 acres (RA) / 1 apartment per 2 acres (RB)
Minimum Lot Frontage	200 feet	500 feet
Minimum Front Yard	50 feet	100 feet
Minimum Side Yard	15 feet	60 feet
Minimum Rear Yard	15 feet	60 feet
Units in Structure	1	Maximum 6 per structure
Maximum Building Height	2.5 stories / 35 feet	2.5 stories / 35 feet
Maximum Lot Coverage	25%	35%

***Despite regulations allowing for multifamily developments in residential zones, the required multifamily densities are so low as to be impractical for development.***

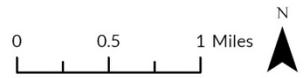
# TOWN OF TOWNSEND - BASE ZONING

Prepared by JM Goldson LLC

J M GOLDSON



- |  |                     |  |                               |
|--|---------------------|--|-------------------------------|
|  | <b>Schools</b>      |  | <b>Zoning Districts</b>       |
|  | <b>Buildings</b>    |  | Residential B [RB]            |
|  | <b>Parcels</b>      |  | Residential A (Aquifer) [RA]  |
|  | <b>Trails</b>       |  | Downtown Commercial [DCD]     |
|  | <b>Water bodies</b> |  | Neighborhood Commercial [NCD] |
|  | <b>Open space</b>   |  | Outlying Commercial [OCD]     |
|  |                     |  | Industrial [ID]               |



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap, MRPC

In recent decades, the town has updated its Zoning Bylaw to allow accessory apartments in residential districts and encourage their use as affordable housing through amendments to the Bylaw in 1989-91 and again in 2019.

***One accessory apartment of up to 800 sq. ft. or 35 percent of the combined floor area of the residence and unit is allowed with a special permit, provided the property owner lives in the primary residence.***

The town’s Affordable Accessory Apartment Program is a public/private partnership developed to increase the supply of low- and moderate-income housing to be included on the SHI. Apartments must be approved through the Local Initiative Program and have a minimum 15 year deed restriction as an affordable unit. The apartment must be rented to income-qualified tenants selected through an open process and cannot be rented to family members of the property owner. All new accessory apartments and all renewals of existing accessory apartment permits must now be constructed as part of the Affordable Accessory Apartment Program to ensure low- or moderate-income occupancy for at least 15 years, with fines imposed for violations.

***The requirement in the Affordable Accessory Apartment Program that accessory apartments be affordable may provide a barrier to their development due to the regulatory process, marketing requirements, and administrative responsibilities.***

Townsend’s Zoning Bylaw allows for Open Space Preservation Developments (OSPD) and Open Space Multifamily Developments (OSMD) in both RA and RB Districts. These are opportunities for developments which balance homes and open space outside traditional development patterns, usually with clusters of homes and common open spaces, and which can be undertaken on large parcels with other setback and coverage requirements as detailed below. OSPDs can only contain single-family units in addition to the same accessory units (including ADUs) which are allowed in regular single-family development. OSMDs can contain single-family units (with ADUs), duplexes, and multifamily structures with up to six units.

Townsend Land Space Requirements Table for Open Space Developments <i>(Source: Townsend Zoning Bylaw 145:47)</i>				
	Open Space Preservation Development	Open Space Multifamily Development		
Units in Structure	Single-Family	Single-Family	Duplex	Multifamily (up to 6 units)
Minimum Property Size	10 acres	Able to contain 10 units in base zone		
Minimum Lot Area With Town Water	20,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	48,000 sq. ft.
Minimum Lot Area Without Town Water	48,000 sq. ft.	48,000 sq. ft.	60,000 sq. ft.	80,000 sq. ft.
Minimum Lot Frontage	200 feet	35 feet	35 feet	35 feet
Minimum Common Open Space	30%	60%	60%	60%

In addition to housing, other allowed uses in RA and RB districts include bed and breakfasts, housing for the elderly, day care centers, cemeteries, antique shops, kennels or animal hospitals, golf courses and other recreational activities, barber shops, and farm stands.

## Commercial Districts

There are three commercial districts in Townsend – Downtown Commercial District (DCD), Neighborhood Commercial District (NCD), and Outlying Commercial District (OCD).

*The DCD and NCD designations allow single-family homes by right and mixed-use buildings by special permit, as well as multifamily housing of one to six units on structures already existing on the lot by special permit. The OCD allows single-family but no multifamily dwellings.*

The DCD is specifically designed to encourage commercial activities that “are, or could be, pedestrian oriented” and is most explicitly geared towards denser development in the center. The NCD is similar but on a smaller scale, and the OCD is designed to accommodate the widest range of commercial uses. The DCD and NCD also have more liberal parking policies with the ability of the planning board to waive some parking requirements in those areas if there is existing on- or off-street parking.

## Industrial District

The industrial district (ID) is designed for manufacturing, processing, and storing of goods and merchandise, as well as for adult use establishments. No residential development is allowed in the ID.

## Overlay Districts

Townsend has three overlay districts – the Floodplain District (F), the Aquifer Protection Overlay District (APD), and the Groundwater Protection District.

The **Floodplain District (F)** includes flood hazard areas designated by FEMA via the Middlesex County Flood Insurance Rate Map. The purpose of the overlay district is to ensure public safety by reducing threats and eliminating new hazards and potential damage to public and private property. To reduce hazards in flood plain areas, new construction is limited, as are some alterations to existing buildings. All wetlands in the town are also included in the Floodplain District.

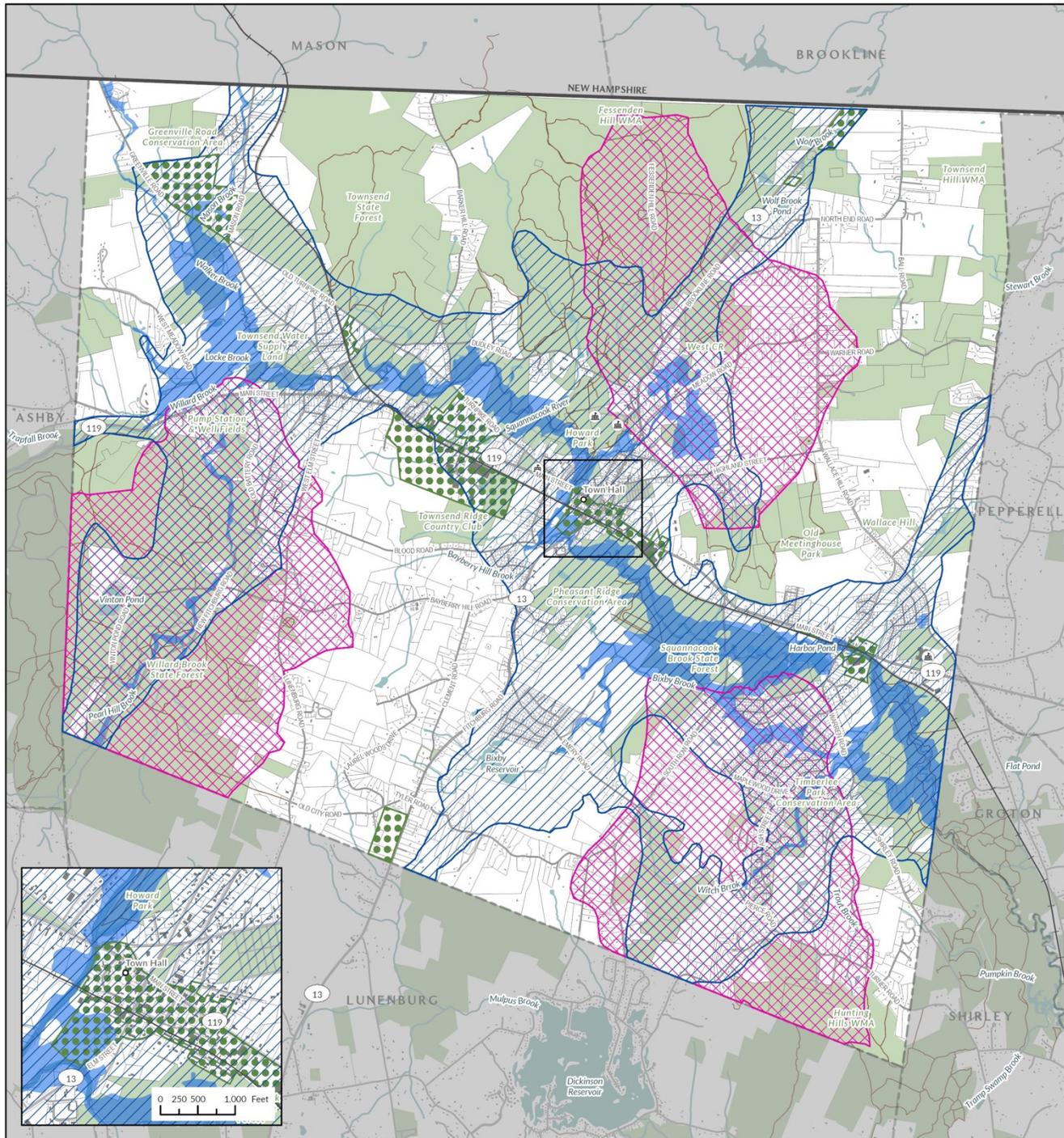
The **Aquifer Protection Overlay District (APD)** is designed to protect the quality of the town’s drinking water and contains the aquifer areas as defined by the Nashua River Watershed Association. Within this district, any uses resulting in hazardous waste, waste disposal, or earth removal are prohibited. Density in this district is not allowed to exceed that of the underlying district.

The **Groundwater Protection District** contains the Zone II and Zone III recharge areas of the town’s water supply. This district also contains Zone I Wellhead Protection Areas around the Water Department wells. In the Groundwater Protection District, only water supply uses are allowed in Zone I. In Zones II and III, facilities which produce toxic waste, landfills, earthworks, and other uses which may damage the water quality are prohibited. Other uses allowed in the underlying districts are allowed, but there are restrictions on septic system discharge of more than 110 gallons of sewage per quarter acre per day. Massachusetts State Environmental Code Title V requires systems to be designed forecasting 110 gallons per day per bedroom. For example, a 2-bedroom unit in the Groundwater Protection District would require a minimum of a ½ acre lot.

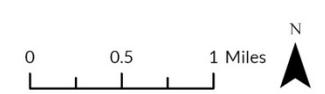
# TOWN OF TOWNSEND - OVERLAY ZONING

Prepared by JM Goldson LLC

J M GOLDSON



- |              |                            |
|--------------|----------------------------|
| Schools      | <b>Overlay Districts</b>   |
| Buildings    | Aquifer Protection Overlay |
| Parcels      | Groundwater Protection     |
| Trails       | Floodplain                 |
| Water bodies | Recreational Marijuana     |
| Open space   |                            |



Sources: Town of Townsend, MassGIS, MassDEP, MAPC Trailmap, MRPC

## Special Regulations

Section 145-48 of the Townsend Zoning Bylaw contains the **Affordable Housing Conditional Density Bonus**, which applies to the Open Space Residential Developments (OSRD) and Open Space Multifamily Developments (OSMD) discussed above.

***Under this program, the Planning Board can issue a special permit requiring that a minimum of 30 percent of units in OSRP or OSMP developments be sold and maintained at affordable prices (defined in the code as 50-120 percent of Townsend's median family income) in exchange for an increase in density up to, but not exceeding, one dwelling unit per acre. Units built under this program must be deed restricted for at least 40 years after the first sale of the property.***

Section 145-54 of the Townsend Zoning Bylaw discusses **Age Restricted Developments**, which can be built in any Residential or Commercial district on a parcel of two or more acres with public water available and a minimum of 100 feet of frontage. These developments are designed for people aged 55 or over and can contain cottage dwellings or two-family dwellings at a density of 4 units per acre or townhouses at a density of 8 units per acre. No unit can have more than two bedrooms. These units must also contain parking and incorporate universal design principles. They also require 30 percent open space on the lot.

Section 145-41 of Townsend's Bylaw discusses the **Squannacook River Area of Critical Environmental Concern**, which prohibits all new development in a buffer zone extending 300 feet landward of each bank of the Squannacook River. For existing structures in this zone, runoff must be direction towards vegetated areas and any on-site pollution disposal systems must be as far from the river as possible.

Per section 145-42, any change in use that requires 5 or more parking spaces triggers a special permit for **Site Plan Review** by the Planning Board.

## OTHER LOCAL ORDINANCES

### Wetlands Bylaw

The Massachusetts Wetlands Protection Act (M.G.L. c.131, Section 40) and its regulations protects wetlands and riverways and require Conservation Commission review of activities within 100 feet of wetlands and 200 feet of riverways. Chapter 138 of the Townsend Code sets out its conformity with these state restrictions.

### Sub-Surface Sewage Disposal Regulations

The Townsend Board of Health Sub Surface Sewage Disposal Regulations were updated in May 2019 to prevent contamination of ground and surface water resources and regulate sewage treatment in the town. All sewage and septic systems require permits and reviews by the Board of Health. Garbage grinders, privies, and holding or tight tanks are prohibited. Chemical toilets are allowed with approval from the Board of Health as long as the building either has a system in full compliance with Title V or a plan showing a compliant system could be installed. There are several types of composting/chemical toilets available including self-contained units and separate composting toilets with a flush system that only need to be emptied annually.<sup>17</sup>

---

<sup>17</sup> Massachusetts Department of Environmental Protection. April 2005 "Using Composting Toilets and Greywater Systems in Massachusetts" <https://www.mass.gov/doc/composting-toilets-greywater/download>

In addition, many sand filter systems and other innovative systems have been approved for use by the Commonwealth.<sup>18</sup> In Townsend, sewage disposal systems must be located on the same lot as the facility they are intended to serve. Schedule 40 pipe must be used in all septic systems to avoid the risk of pipes being crushed or easily damaged. All new and replacement systems must have a two-compartment tank. The table below outlines distance requirements between listed components for septic systems in Townsend.

Townsend Septic Tank Distance Requirements (in feet)		
<i>Source: Townsend Board of Health Sub Surface Sewage Disposal Regulations</i>		
Element	Septic Tank	Leaching Facility
Wetland	-	100
Subsurface Drain	50	50
Leaching Catch Basin and Dry Wells	25	25
Flood Plain	100	100
Open Surface Drain	50 (100 if open surface drain discharges to a watercourse)	50 (100 if open surface drain discharges to a watercourse)

## SUMMARY

### ENVIRONMENTAL CONSTRAINTS

Townsend’s landscape contains a mix of forested areas, hills and valleys, and development along the main corridors and the three historic centers of the town, which are local historic areas. The Squannacook River flows through the town, providing recreational and scenic opportunities as well. There are a variety of habitats along the river as well as in its streams, wetlands, and in the town’s forests. Much of the town is protected by the Squannassit Area of Critical Environmental Concern. Thirty percent of the town’s developable land is within the 100-year FEMA flood zone.

A large portion of the town is situated on its aquifer, which presents a persistent development constraint since there is no municipal sewer system. The town’s soils do not effectively treat septic system outflow, presenting density constraints and increasing the potential contamination of groundwater supplies. The steep slopes in much of the town also present a constraint to development.

### INFRASTRUCTURE CAPACITY

Water supply is provided to about half of Townsend residents by the water board, with the other half using private wells. The water system is expanding with a new well and treatment plant in the coming years. Wastewater is an ongoing concern due to the lack of sewer system as discussed above.

Townsend’s school enrollment is relatively stable in recent years after a decline in previous decades, potentially indicating capacity for more students. There is increasing congestion on some of the town’s roads due to its commuter-based economy. There is no public transportation in Townsend, and limited sidewalk and bike infrastructure, though there are new trail projects and community outreach regarding pedestrian safety in progress.

<sup>18</sup> A full list of MassDEP approved systems and more information can be found at: <https://www.mass.gov/guides/approved-title-5-innovativealternative-technologies>

## REGULATORY BARRIERS AND CONSIDERATIONS

The residential zones in Townsend limit development to very low densities. Multifamily units are allowed but would require very large tracts of land due to the density limitations, making single-family development the practical choice. In commercial districts, some multifamily development is allowed. All multifamily development as well as accessory apartment construction require special permits.

The Affordable Accessory Apartment Program requires that all new accessory apartments be created specifically as affordable units to be included on the SHI. Although this encourages new affordable housing development, it also creates significant administrative burden which could discourage its implementation.

Several overlay districts relating to aquifer and wetland protection also impose restrictions. The Affordable Housing Conditional Density Bonus incentivizes affordable development in OSRD and OSMD developments, though still at a very low overall density. The Age Restricted Development bylaw also allows duplexes and cottage dwellings.

# CHAPTER 6: IMPLEMENTATION CAPACITY AND RESOURCES

This chapter describes local and regional capacity and resources for the implementation of affordable housing initiatives, including local and regional housing organizations and funds. The Town of Townsend has several organizations with a focus on supporting community housing, including local government entities and non-profit organizations, as well as regional agencies that facilitate housing initiatives.

## KEY FINDINGS

- A new Open Space Multifamily Development is planned at Locke Brook Estates. One unit will be designated as affordable and transferred to Habitat for Humanity.
- Although the Townsend Housing Authority does not own or manage any properties, the board is very active in town housing policy and initiatives, educating the public, seeking state and federal funding where possible, and assisting with Local Initiative Partnerships with Habitat for Humanity and other agencies.
- Townsend does not have Community Preservation Act funding, one potential local source for affordable housing development.
- Townsend is in the process of hiring a land use coordinator, which will increase capacity for implementation of this plan and regulatory review in general
- The Townsend Affordable Housing Trust appears to have limited revenue streams.

## LOCAL CAPACITY AND RESOURCES

### TOWNSEND HOUSING AUTHORITY

The Townsend Housing Authority's mission is "to promote, maintain and provide housing opportunities for income groups who could not otherwise afford to live here." The THA operates under 760 CMR 4.00: General Administration of Local Housing Authorities. It is a five-person board made up of three elected positions, one appointed tenant position, and one State appointed position.

***The THA provides information to the public, facilitates the town's goal to reach an equitable number of affordable housing units, and seeks state and federal funding, when possible, as well as assisting with Local Initiative Partnerships with Habitat for Humanity and other agencies.***

The THA was founded in 1984 to develop the Atwood Acres area, which was donated to the town by Dr. Atwood "for the purpose of aiding the needy." After its development into low-income senior housing was complete in 1989, the Authority became inactive but was revitalized in 2002. It has since conducted a comprehensive affordable housing analysis, financed 36 new senior low-income units at Townsend Woods adjacent to Atwood Acres with HUD and DHCD financing, and developed a single-family home on Apple Drive in conjunction with Habitat for Humanity. The Authority does not currently have any land or buildings under its direct ownership.

## TOWNSEND AFFORDABLE HOUSING TRUST

The Townsend Affordable Housing Trust (THAT) was established in 2020 to “provide for the preservation and creation of affordable housing in the Town of Townsend for the benefit of low- and moderate-income households.” It is administered by the TAHT Board of Trustees appointed by the Board of Selectmen. The Trust has primarily worked to receive and distribute COVID-19 related housing relief funds from the CARES act for rental and mortgage payments, in partnership with the Central Massachusetts Housing Alliance (CMHA). As of January 22, the TAHT has been assigned \$100,000 of Townsend’s ARPA funds.

## REGIONAL CAPACITY AND RESOURCES

### HABITAT FOR HUMANITY OF NORTH CENTRAL MASSACHUSETTS

One important regional partner in addressing housing needs is Habitat for Humanity of North Central Massachusetts. This organization 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 the North Central Massachusetts branch which serves 25 towns including Townsend, building new homes for first-time homebuyers through donated land, materials, labor, and funding as well as other special financing strategies. Habitat for Humanity has developed one ownership home in Townsend in partnership with the Townsend Housing Authority in 2007. There is a new Open Space Multifamily Development planned for Locke Brook Estates. One of the units will be designated as an affordable unit and transferred to Habitat for Humanity.

### RCAP SOLUTIONS

RCAP Solutions is a 501(c)(3) nonprofit which provides a wide range of services for individuals, families, communities, and small business owners in Central Massachusetts. RCAP administers Section 8 vouchers and other vouchers for Townsend residents and provides education, counseling, emergency assistance, mediation, and foreclosure and homelessness prevention services for individuals. They are also a nonprofit developer and developed both the original Atwood Acres units as well as the adjacent Townsend Woods units. Additionally, RCAP provides planning and community development services as well as real estate management services to small communities.

### OTHER REGIONAL ORGANIZATIONS

Several other non-profit and regional organizations provide resources that help Townsend to address local housing needs, including:

- **MCO Housing Services** – A resource for matching developers and landlords to tenants and prospective buyers for state sponsored affordable housing with income and asset limitations in Eastern Massachusetts.
- **Central Massachusetts Housing Alliance (CMHA)** – CMHA offers a variety of programs ranging from homelessness prevention to affordable homeownership and services for elder homeowners. They provide emergency shelter and housing placement, administer some voucher programs, provide counseling, public education, and advocacy, and home repair and maintenance for elder homeowners.
- **Montachusett Regional Planning Commission (MRPC)** – MRPC is Townsend’s regional planning commission, providing local technical assistance to member communities. The MRPC prepared the town’s prior Housing Production Plan in 2015.

# APPENDICES

## TOWNSEND SUBSIDIZED HOUSING INVENTORY

### DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

#### Townsend

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
3154	Atwood Acres	66 Dudley Rd.	Rental	50	2029	Yes	HUD
4021	Benjamin Condominiums	328 Main Street	Ownership	2	perp	Yes	MassHousing
4484	DDS Group Homes	Confidential		0	N/A	No	DDS
9041	Coppersmith Way	91 Highland Ave	Ownership	8	Perp	YES	FHLBB
9042	Apple Drive Habitat House	Apple Drive	Ownership	1	Perp	YES	DHCD
9114	Atwood II/Townsend Woods	off 66 Dudley Road	Rental	36	Perp	YES	HUD DHCD
9448	Turnpike Village	72-74 Turnpike Road	Rental	48	Perp	YES	MassHousing
<b>Townsend Totals</b>				145	<b>Census 2010 Year Round Housing Units</b>		3,356
					<b>Percent Subsidized</b>		4.32%

7/20/2021

Townsend  
Page 1 of 1

This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.

## DHCD AFFIRMATIVE FAIR HOUSING GUIDELINES

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the SHI shall have an Affirmative Fair Housing Marketing Plan. To that end, DHCD has prepared and published comprehensive guidelines that all agencies follow in resident selection for affordable housing units.

In particular, the local preference allowable categories are specified:

- **Current Residents.** A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing, or voter registration listing.
- **Municipal Employees.** Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- **Employees of Local Businesses.** Employees of businesses located in the municipality.
- **Households with Children.** Households with children attending the locality's schools.

The latest revisions to the guidelines were in May 2013. The full guidelines can be found here: <https://www.mass.gov/doc/ma-fair-housing-marketing-and-resident-selection-plan-guidelines-1/download>

# INTERAGENCY BEDROOM MIX POLICY

## INTERAGENCY AGREEMENT

### Regarding Housing Opportunities for Families with Children

This Interagency Agreement (this "Agreement") is entered into as of the 17th day of January, 2014 by and between the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development ("DHCD"), the Massachusetts Housing Partnership Fund Board ("MHP"), the Massachusetts Housing Finance Agency (in its own right and in its capacity as Project Administrator designated by DHCD under the Guidelines for Housing Programs in Which Funding is Provided By Other Than a State Agency, "MassHousing"), the Massachusetts Development Finance Agency ("MassDevelopment") and the Community Economic Development Assistance Corporation ("CEDAC"). DHCD, MHP, MassHousing, MassDevelopment and CEDAC are each referred to herein as a "State Housing Agency" and collectively as the "State Housing Agencies".

### Background

A. DHCD's 2013 Analysis of Impediments to Fair Housing Choice ("AI") includes action steps to improve housing opportunities for families, including families with children, the latter being a protected class pursuant to fair housing laws, including the federal Fair Housing Act, as amended (42 U.S.C. §§ 3601 *et seq.*) and Massachusetts General Laws Chapter 151B. In order to respond to development patterns in the Commonwealth that disparately impact and limit housing options for families with children, such steps include requiring a diversity of bedroom sizes in Affordable Production Developments that are not age-restricted and that are funded, assisted or approved by the State Housing Agencies to ensure that families with children are adequately served.

B. The State Housing Agencies have agreed to conduct their activities in accordance with the action steps set forth in the AI.

C. This Agreement sets forth certain agreements and commitments among the State Housing Agencies with respect to this effort.

### Definitions

1) "Affordable" - For the purposes of this Agreement, the term "Affordable" shall mean that the development will have units that meet the eligibility requirements for inclusion on the Subsidized Housing Inventory ("SHI").

2) "Production Development" - For purposes of this Agreement "Production Development" is defined as new construction or adaptive reuse of a non-residential building and shall include rehabilitation projects if the property has been vacant for two (2) or more years or if the property has been condemned or made uninhabitable by fire or other casualty.



## Agreements

NOW, THEREFORE, DHCD, MHP, MassHousing, MassDevelopment and CEDAC agree as follows:

### Bedroom Mix Policy

1) Consistent with the AI, it is the intention of the State Housing Agencies that at least ten percent (10%) of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three (3) or more bedrooms except as provided herein. To the extent practicable, the three bedroom or larger units shall be distributed proportionately among affordable and market rate units.

2) The Bedroom Mix Policy shall be applied by the State Housing Agency that imposes the affordability restriction that complies with the requirements of the SHI.

3) The Bedroom Mix Policy shall not apply to Affordable Production Developments for age-restricted housing, assisted living, supportive housing for individuals, single room occupancy or other developments in which the policy is not appropriate for the intended residents. In addition, the Bedroom Mix Policy shall not apply to a Production Development where such units:

- (i) are in a location where there is insufficient market demand for such units, as determined in the reasonable discretion of the applicable State Housing Agency; or
- (ii) will render a development infeasible, as determined in the reasonable discretion of the applicable State Housing Agency.

4) Additionally, a State Housing Agency shall have the discretion to waive this policy (a) for small projects that have less than ten (10) units and (b) in limited instances when, in the applicable State Housing Agency's judgment, specific factors applicable to a project and considered in view of the regional need for family housing, make a waiver reasonable.

5) The Bedroom Mix Policy shall be applicable to all Production Developments provided a Subsidy as defined under 760 CMR 56.02 or otherwise subsidized, financed and/or overseen by a State Housing Agency under the M.G.L. Chapter 40B comprehensive permit rules for which a Chapter 40B Project Eligibility letter is issued on or after March 1, 2014. The policy shall be applicable to all other Affordable Production Developments funded, assisted, or approved by a State Housing Agency on or after May 1, 2014.



## COMPREHENSIVE PERMIT DENIAL AND APPEAL PROCEDURES

(a) If a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the Statutory Minima defined at 760 CMR 56.03(3)(b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, 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 Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department 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.

(b) For purposes of this subsection 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760 CMR 56.03(2)(c).

(c) If either the Board or the Applicant wishes to appeal a decision issued by the Department pursuant to 760 CMR 56.03(8)(a), including one resulting from failure of the Department to issue a timely decision, that party shall file an interlocutory appeal with the Committee on an expedited basis, pursuant to 760 CMR 56.05(9)(c) and 56.06(7)(e)(11), within 20 days of its receipt of the decision, with a copy to the other party and to the Department. The Board's hearing of the Project shall thereupon be stayed until the conclusion of the appeal, at which time the Board's hearing shall proceed in accordance with 760 CMR 56.05. Any appeal to the courts of the Committee's ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

*Source: DHCD Comprehensive Permit Regulations, 760 CMR 56.03(8)*