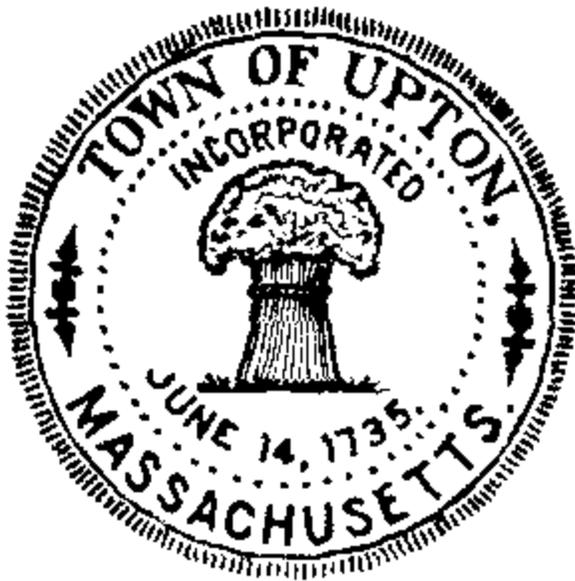


# 2012

## Upton Housing Production Plan

(Expires on October 16, 2017)



### **CMRPC**

Central Massachusetts Regional Planning Commission

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# UPTON HOUSING PRODUCTION PLAN

## Table of Contents

I. Executive Summary.....	1
II. Introduction.....	5
A. Purpose.....	5
B. Goals.....	5
C. Overview.....	6
III. Housing Needs Assessment (Community Setting).....	7
A. Regional Context.....	7
B. History.....	7
C. Population Characteristics and Trends (Demographics).....	8
D. Housing Characteristics and Trends.....	19
E. Current Development Framework.....	33
IV. Housing Action Plan.....	49
A. Housing Production Goals.....	49
B. Property Inventory.....	50
V. Housing Strategies.....	55
1. Build Local Capacity to Promote Affordable Housing.....	58
2. Make Zoning and Planning Reforms.....	65
3. Partner with Developers to Produce New Affordable Housing Units.....	70
4. Preserve Existing Housing.....	72
5. Summary.....	75
VI. Works Cited.....	77
VII. Appendices.....	81
Appendix A –Upton Master Plan, March 2005, Housing Element Excerpts.....	81
Appendix B - Glossary of Housing Terms and List of Acronyms.....	85
Appendix C - Summary of Housing Regulations.....	91
1. Chapter 40B Comprehensive Permit Law.....	91
2. Housing Production Regulations.....	96
3. Chapter 40R/40S.....	97
4. Local Initiative Program (LIP) Guidelines.....	99
Appendix D - Summary of Housing Resources.....	105
1. Technical Assistance.....	105
2. Housing Development.....	108
3. Homebuyer Financing and Counseling.....	115
4. Home Improvement Financing.....	116
Appendix E – 1.5% Land Area Minimum Calculation.....	119

Appendix F. Board Of Selectmen Letter Regarding Public Land .....	121
Appendix G: Planning Board and Board of Selectmen’s Support .....	123
Maps .....	135
• Locus Map	
• Income Map	
• Zoning Map	
• Infrastructure Map	
• 1999 Build Out Map	
• Housing Map	
• Town Owned Property Map	
• Open Space Map	

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This Plan was prepared by the Upton Local Community Housing Partnership Committee (LCHPC) with the assistance of the Central Massachusetts Regional Planning Commission (CMRPC). Principal authors and advisors included the following:

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## I. EXECUTIVE SUMMARY

The Town of Upton has developed this Housing Production Plan primarily to provide guidance to the town with regard the development of affordable housing which is a strategy stated in its 2005 Master Plan. This plan addresses all of the components required by the state for a valid housing production plan including a comprehensive needs assessment, affordable housing goals, and implementation strategies.

Upton is located in the Blackstone Valley of southern Worcester County. The town and transitioned from an agricultural community to a mill village and industrial center and now to a largely single family home developing suburb. Upton provides its residents with the best of both the rural and urban worlds, i.e., a quiet environment in which to reside and access to major cities within 45 minutes. As a mill town, the town grew with a wide variety of housing and businesses developed to service the entire spectrum of mill employees, managers, owners, and their families. This very important aspect of Upton's past is critical to understanding the current housing stock and the town's future housing needs.

Upton's population (US Census 2010) of 7,542 reflects a growth rate of approximately 17% over the last decade. Upton grew rapidly in the last decade and is expected to continue to grow at pace faster than its neighbors. Compared to surrounding towns and Worcester, Upton has a very low population density. However, much of Upton's population is located in the center part of town.

### Needs Assessment

The median age is 41.5 years old, 2.2 years older than Worcester County as a whole. Upton residents between the ages of 20 and 64 years of age make up 60% of the population, 15.9% of the population is 60 years or older, 30% are less than 20 years of age. Upton is a predominantly white community (96.7%) with only minimal racial diversity.

In September 2011, Upton's unemployment rate (5.7%) was significantly lower than that of the Worcester County (8.0%) and the State (7.2%) and was lower than all of its neighboring towns except Hopkinton and Hopedale. Over 84% of Upton's workforces are employed in three occupational categories: Management, professional and related; service; and sales and office occupations however in town the construction industry has the greatest number of establishments. Of the towns in the CMRPC Southeast sub region, Upton has the lowest town level employment projections, less than 3% over the next 25 years. The estimated mean travel time is 31.4 minutes higher than the county average.

There is a modest disabled population and a small veteran population living in Upton. Not all residents with disabilities or veteran status require special housing assistance or affordable housing.

The estimated median household income in Upton in 2005-2009 was \$102,604; up from \$78,595 in 2000. The ACS 2005-2009 estimated 30 households were below poverty level determined by HUD to be \$22,050 for a family of four.

Housing stock in Upton is dominated by single family detached units (88%). 81% of its housing units are owner occupied and the remaining 19 percent are rental. Both unit types have very low vacancy rates – 0.7% for home ownership and 5.9% rental units.

According to the 2005-2009 American Community Survey over 50.2% of renters in Upton paid more than 30% of their income for gross rent and are considered housing burdened. The 2005-2009 ACS estimated that the Median Gross Rent in Upton was \$932.

In 2010, the median monthly mortgage was \$2,426 for the 1,633 units with mortgages. The median home value was \$417,000 in 2010. 37.4% of homeowners with a mortgage paid more than 30% of their household income and are likewise considered housing burdened. Of note is that an estimated 75 households with NO mortgage still pay greater than 30% of their monthly income on homeowner costs. According to the Warren Group the 2010 median sales price for a home Upton was \$366,325, higher than Worcester County, the State of Massachusetts, and all of the surrounding towns, except Hopkinton. The town has weathered the recent housing crisis better than most with relatively few petitions (~21%) to foreclose that have proceeded to sale.

Upton's current subsidized housing inventory (SHI) as defined by the Massachusetts Department of Housing and Community Development is 6.3 %. The State has set a goal of 10% for Massachusetts municipalities. Half of these units are set to have their affordability restrictions expire in 2012. The 10% goal is now 282 affordable units, giving the town a deficit of 104 units in 2011.

The towns' ***housing needs*** include the following:

1. In general *more housing supply* in town would increase housing choices.
2. The town is dominated by single family home ownership. *Increased diversity* of housing types would lead to greater selection. Renovation of existing housing stock into affordable housing or multi-family housing may provide opportunities for small scale efforts to address housing needs.
3. *More rental housing* would provide housing options for those unable to enter the homeownership market.
4. *Affordable housing* is needed to accommodate young professionals, young families, aging residents on fixed or declining incomes.
5. Housing to accommodate *special needs* populations.

The town has taken many positive actions to promote addressing these needs including passage of zoning bylaws, the community preservation act, and establishment of a local community housing partnership committee.

Until the recent housing crisis, the town of Upton had a relatively steady stream of housing development. Challenges to affordable housing development include limited water and sewer infrastructure and access to public transportation and supporting service industries. Limited town owned land is available for development, though one area has been identified for exploration.

### Housing Action Plan

The Town's goal is to provide generally affordable and diverse housing, while minimizing the town's fiscal burden. Based on the 2010 housing unit count of 2,832, the town's annual production goal (0.5% per year) is 14 affordable housing units. The committee reviewed the town-owned parcels of land for parcels that might be considered for affordable housing development. One area was indicated and the committee has sought permission from the Board of Selectmen to allow its further consideration.

Rather indicating specific privately owned parcels, criteria were established for preferred areas for private housing development. Among other "smart growth"- type concepts, criteria included focusing new development in the town center.

Expecting slow recovery the committee chose to project its housing production goals on a seven (7) year horizon, understanding no current development activity, it will be at least one to two years will pass before even small scale development comes to fruition. Most projected activity is small scale rehabilitation projects and private development. One project, currently underway, has seen no activity in several years, but may yield units in two to three years. The total number of units projected will add 54 units affordable to income levels less than 80% of the Area Median Income by the year 2018.



## Housing Strategies

The strategies outlined below are based on previous plans (including the 2005 Master Plan), reports, studies, a recent survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning and Planning Reforms, Housing Production, and Housing Preservation.

### **Build Local Capacity to Promote Affordable Housing**

- a. Conduct ongoing community outreach
- b. Secure professional support
- c. Establish and capitalize an Upton Affordable Housing Trust
- d. Develop and Adopt a Comprehensive Permit Policy
- e. Participate in Regional Collaboration
- f. Negotiate fees for peer review of comprehensive permit projects
- g. Coordinate the Town's affordable housing efforts.

### **Make Zoning and Planning Reforms**

- a. Promote greater diversity and density of permitted housing types
- b. Promote mixed-use development
- c. Develop an Inclusionary or incentive Zoning bylaw
- d. Modify the Open Space Residential Design bylaw to add density bonuses
- e. Create inventory for properties potentially suitable for affordable housing development

### **Partner with Developers to Produce New Affordable Housing**

- a. Provide suitable public property
- b. Offer predevelopment funding
- c. Support permitting with advocacy
- d. Provide support and gap financing to leverage project financing

### **Preserve Existing Housing**

- a. Monitor and maintain SHI
- b. Explore LIP to buy affordable housing deed restrictions.
- c. Help qualifying residents access housing assistance

## II. INTRODUCTION

### A. PURPOSE

The purpose of this Housing Production Plan is threefold:

- To provide guidance to the Town of Upton with regard to the development of housing, particularly affordable housing.
- To fulfill the requirements of 760 CMR 56.03(4): Housing Production Plans.
- To be eligible for “Certified Community” status if the required number of housing units are produced. “Certified” status would provide the town with more control over proposed Chapter 40B comprehensive permit housing development projects.<sup>1</sup>

### B. GOALS

This plan is, and affordable housing should be, developed in concert with the goals stated in the 2005 Upton Master Plan ([See Appendix A](#)). A key finding of the Master Plan is: “Upton has made a concerted effort to provide suitable housing options for low and moderate income households, senior citizens and first time home buyers; the town should continue to do so.” Specifically, the Goal stated in the Housing chapter is to “preserve Upton’s rural, small-town character and open space; ensure that housing development is slow, deliberate, and planned; and provide a diversity of housing affordability while maintaining a largely single-family character.” The Town of Upton strives to continue balancing diverse housing options with simultaneous preservation of a traditional low-density development pattern. The key to this balance is a thoughtful planning process to identify suitable locations for all housing types.

This plan places a strong emphasis on the production of a variety of housing types providing rental, condominium, and ownership opportunities. Upton’s available housing should meet the needs of residents at various life stages, particularly when affordability is most challenging. That is, production of rental opportunities for young adults just out of school, starter homes for young families that are likely to grow, or accessible housing for seniors needing to downsize.

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<sup>1</sup> As of July 25, 2011, 103 of the 351 Massachusetts communities had submitted Housing Production Plans (HPPs) to the state in an effort to reach “Certification”. Of those, as of November 21, 2011 only 52 were still current. “Certification” requires an approved Housing Production Plan (HPP) **AND** an increase of the town’s number of Subsidized Housing Inventory Eligible Housing units in an amount equal to or greater than its 0.50% production goal for that calendar year. On November 21, 2011, there were five (5) “certified” communities. That is there were five (5) communities with current Housing Production Plans and with the needed housing production. HPPs cover a time period of five (5) years.

## C. OVERVIEW

Housing Production Plans meant to satisfy 760 CMR 56.03(4): Housing Production Plans are required to include the following components:

- A Comprehensive Needs Assessment
  - Local and regional census data estimates of historical, existing and projected (5 years at a minimum) demographics, housing supply and housing needs
  - Development constraints, limitations and associated mitigation plans
  - Infrastructure capacity to meet existing needs and growth projections.
  
- Affordable Housing Goals
  - Housing Mix
  - Consistent with local and regional needs
  - Homeownership and rental options
  - Special needs and elderly population
  - Minimum affordable housing production goals of greater than 0.5% per year.
  
- Implementation Strategies
  - Identification of growth areas/zoning districts
  - Specific sites to encourage 40B development
  - Preferred residential /mixed use characteristics
  - Municipally owned land where city/town will commit to developing mixed income housing
  - Regional housing development collaborations.

These components and other related background information are included in this Housing Production Plan.

### III. HOUSING NEEDS ASSESSMENT (COMMUNITY SETTING)

#### A. REGIONAL CONTEXT

Upton is located in southern Worcester County in the region serviced by the Central Massachusetts Regional Planning Commission (CMRPC). The town is bordered by Grafton to the northwest, Westborough to the north, Hopkinton to the northeast, Milford to the east, Hopedale and Mendon to the southeast and Northbridge to the southwest. Upton is 15 miles southeast of Worcester, 36 miles southwest of Boston, 34 miles northwest of Providence, and 187 miles from New York City.

The Town of Upton sits just south of the Massachusetts Turnpike (US 90) and to the west of Interstate 495 (US I-495). Massachusetts State Highway 140 crosses the town from east southeast to west northwest. Upton provides a critical connection between the Blackstone Valley and the I-495 Corridor.

Upton is part of the Blackstone River National Heritage Corridor that recognizes the Blackstone River and its place in the American Industrial Revolution that transformed farming communities into river based mill towns and industrial centers.

The Town of Upton and the Town of Mendon share a regional school system – the Mendon-Upton Regional School District. Upton students in grades 9 through 12 attend the Nipmuc Regional Middle/High School located on Pleasant Street, students in grades 5 through 7 attend the Misco Hill School located on North Avenue in Mendon. And Upton students in grades pre-K through 4 attend the Memorial Elementary School on Main Street. Upton is home to the Blackstone Valley Regional Vocational Technical High School, also located on Pleasant Street.

The Grafton and Upton Railroad provides freight rail service in Upton, interchanging freight with Conrail in North Grafton. Airports near Upton include, among others, the Hopedale Industrial Park Airport (6.7 miles), the Waters Airport in Sutton, (7.8 miles), and the Worcester Regional Airport (15 miles). For national and international flights, Upton travelers likely use TF Green Airport in Providence, Boston's Logan International, or Hartford's Bradley International Airport. Upton is not affiliated with a regional transit authority. The closest Amtrak stations are located in Worcester (12 miles) and Framingham (13 miles).

Upton falls within the Worcester, Massachusetts Metropolitan Statistical Area (MSA), which has a population of 798,552. (US Census Bureau, 2010) A regional locus map is attached.

#### B. HISTORY

Upton's beginnings are different from most other towns in the Commonwealth. Instead of being taken from one town or from common land, it was put together from the outlying areas of four towns: Sutton, Hopkinton, Mendon and Uxbridge. The first meetinghouse was built within the walls of the burying ground; this location in the south part was upsetting to the Westborough farmers who moved into the

northwest section in the following decades. After many years of controversy, the original meetinghouse was dismantled, and a new one was built close to the center of what is now the Town Common.

For more than 100 years, many Upton farmers supplemented their incomes by making boots. By 1837, William Knowlton had established a flourishing straw hat business in the west part of Upton; hatmaking supplanted bootmaking and employed many citizens until 1969. The Knowlton factory has been converted into apartments and is on the National Register of Historic Places.

Upton is a small, friendly community located in southern Worcester County, primarily residential in nature, and still retaining much of its original New England flavor. Upton's Historical Society not only preserves artifacts from the past, but works actively to inform its citizens about people and places, which makes it an attractive place to put down roots. Upton is located 35 miles west of Boston and 13 miles south of Worcester, providing its residents with the best of both worlds, i.e., a quiet environment in which to reside and access to major cities within 45 minutes. (Massachusetts Department of Housing and Community Development (DHCD), 2000)

As a Blackstone River Valley mill town, the town grew with a wide variety of housing and businesses developed to service the entire spectrum of mill employees, managers, owners, and their families. This very important aspect of Upton’s past is critical to understanding the current housing stock and the town’s future housing needs. Some residents remember their families moving from eastern towns to settle in Upton because of the availability of affordable land and housing in the 1950s and 1960s. The era when families were able to purchase a home for \$4,000 has long since passed. Now concerns focus on the high cost of land and new housing construction.

**C. POPULATION CHARACTERISTICS AND TRENDS (DEMOGRAPHICS)**

**1. POPULATION GROWTH**

There are differences between the Town population estimates and the US Census population estimates. According to the 2000 Census, Upton had a population of only 5,713 (this number was revised by the Census from 5,642), but the town estimated a 2000 population of 6,369, a difference of 727. According to the Town Clerk, the difference is likely attributable to the use of post office boxes as mailing addresses. The 2000 Census is beyond dispute at this time.

**Table 1 - Upton Historical Population Data**

	<b>Population</b>	<b>Source</b>
1930	2,026	US Census
1940	2,249	US Census
1950	2,656	US Census
1960	3,127	US Census
1970	3,484	US Census
1980	3,886	US Census
1990	4,677	US Census

	Population	Source
2000	5,713 / 6,369	US Census / Town Clerk
2003	7,052	Town Clerk
2004	6,988	Town Clerk
2005	7,246	Town Clerk
2006	7,210	Town Clerk
2007	7,095	Town Clerk
2008	7,279	Town Clerk
2009	6,602 / 7,257	ACS 2005-2009 Estimate / Town Clerk
2010	7,542 / 7,366	2010 Census / Town Clerk

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009), (US Census Bureau, 2010), (Town of Upton, 2010)

The American Community Survey (ACS) 2005-2009 reported an Upton population of 6,602, significantly different than the figure reported by the Town Clerk (7,257), a difference of 655. Based on Voter Lists, Town Census form returns, and local knowledge, the Town Clerk estimates the 2010 population of Upton at 7,366, while the 2010 Census number estimated a population of 7,542.

If the Town's 2000 estimate (6,369) is used along with the 2010 Census estimate (7,542), Upton demonstrated a growth of 1,083 people (17.0%) between 2000 and 2010. While the towns of Blackstone, Hopedale, Millbury, and Sutton experienced grow rates of less than 10% over the past decade, the towns of Douglas, Grafton, Millville, Northbridge, and Uxbridge grew by greater than 15%.

CMRPC regularly publishes population projections for its constituent communities based on Census estimates. The town level projections were vetted with the communities for transportation planning purposes as part of the 2011 Long Range Transportation Plan. The control totals for the CMRPC region are provided by the Massachusetts Department of Transportation. However in the case of Upton, where the 2000 Census estimate is questionable, the calculated percent growth of 34% is also questionable. However, town level projections were developed based upon past growth trends, land use and infrastructure capacity, planned future projects, and stakeholder input, including that of the Central Massachusetts Metropolitan Planning Organization (CMMPO), CMMPO Advisory Committee and CMRPC Community Development and Planning staff.

**Table 2 - Population Projections for CMRPC Southeast Subregion**

Population	Census			CMRPC Projections				
	2000	2010	% Growth	2017	2020	2025	2030	2035
<b>Blackstone</b>	8,804	9,026	3%	9,360	9,530	9,770	10,110	10,440
<b>Douglas</b>	7,045	8,471	20%	8,840	9,000	9,230	9,550	9,860

Population	Census			CMRPC Projections				
	2000	2010	% Growth	2017	2020	2025	2030	2035
<b>Grafton</b>	14,894	17,765	19%	18,830	19,260	19,850	20,970	22,210
<b>Hopedale</b>	5,907	5,911	0%	6,080	6,180	6,300	6,480	6,660
<b>Mendon</b>	5,286	5,839	10%	6,060	6,170	6,320	6,550	6,740
<b>Millbury</b>	12,784	13,261	4%	13,770	14,020	14,380	14,880	15,340
<b>Millville</b>	2,724	3,190	17%	3,310	3,370	3,460	3,580	3,690
<b>Northbridge</b>	13,182	15,707	19%	16,450	16,810	17,330	18,070	18,870
<b>Sutton</b>	8,250	8,963	9%	9,300	9,470	9,700	10,040	10,360
<b>Upton</b>	5,642*	7,542	34%*	7,880	8,030	8,230	8,520	8,850
<b>Uxbridge</b>	11,156	13,457	21%	14,260	14,580	15,030	15,950	16,990
<b>Total Southeast CMRPC Region Population</b>	<b>95,674</b>	<b>109,132</b>	<b>14%</b>	<b>114,140</b>	<b>116,420</b>	<b>119,600</b>	<b>124,700</b>	<b>130,010</b>

(US Census Bureau, 2000), (US Census Bureau, 2010), (Central Massachusetts Regional Planning Commission (CMRPC), 2011), (Town of Upton, 2010)

\*\*The 2000 Upton Census estimate (and the percentage growth calculated using that estimate) are published as final but local knowledge, as indicated earlier, suggests that it is in error. According to the Town Clerk, the difference is likely attributable to the use of post office boxes as mailing addresses. The 2000 Census is beyond dispute at this time.

Based on population projections published by CMRPC in 2011, Upton is expected to grow by an average of 0.69% per year between 2010 and 2035. Using the CMRPC projections, the population of Upton in 2017 (approximate plan end date) is estimated at 7,880.

## 2. POPULATION DENSITY

The Town of Upton is 21.7 square miles in area, with 21.5 square miles in land area and 0.2 square miles in water area. Using the 2010 Census population figure, the population density is 7,542/21.5 is 350.8 people per square mile (not including water area). Compared to surrounding towns and Worcester, Upton has a very low population density. However, much of Upton's population is located in the center

part of town. The Upton–West Upton Census Designated Place (CDP),<sup>2</sup> a more populated area of Upton that includes the Town Center, had a density of 1,205.2 persons /square mile in 2010, 3.4 times that of Upton as a whole.

**Table 3 - Population Density Comparison - Year 2000 and 2010**

Geographic Area	Town Land Area	Total Area	Census 2000	Census 2010	2000 Pop. Density	2010 Pop. Density
	Sq mi	Sq mi			people / sq mi	people / sq mi
Worcester	37.6	38.6	172,648	181,045	4,591.7	4,815.0
Milford	14.6	14.9	26,799	27,999	1,835.5	1,917.7
Westborough	20.5	21.6	17,997	18,272	877.9	891.3
Northbridge	17.2	18.1	13,182	15,707	766.4	913.2
Hopkinton	26.6	28.2	13,346	14,925	501.7	561.1
Grafton	22.7	23.3	14,894	17,765	656.1	782.6
Hopedale	5.2	5.3	5,907	5,911	1,136.0	1,136.7
Mendon	18.1	18.3	5,286	5,839	292.0	322.6
Upton	21.5	21.7	5,713	7,542	265.7	350.8
Upton -West Upton CDP	2.5	2.6	2,326	3,013	930.4	1,205.2

(US Census Bureau, 2000) (US Census Bureau, 2010)

### 3. SEX AND AGE DISTRIBUTION

There were slightly more women than men in Upton in 2010. According to the 2010 Census, of the total number of households in Upton, 7.0% (190) have a female head of household; 3.9% of these households also have children under the age of 18. This is nearly twice the number of comparable households with a male head of household at 3.5 % and 1.5% respectively. It is also interesting to note that of the householders living alone, 11.5 % were female and 5.9% were also over the age of 65. This is greater than their male counterparts, at 8.0% and 1.7% respectively.

<sup>2</sup> A **census-designated place (CDP)** is a concentration of population identified by the United States Census Bureau for statistical purposes. CDPs are delineated for each decennial census as the statistical counterparts of incorporated places such as cities, towns and villages. CDPs are populated areas that lack separate municipal government, but which otherwise physically resemble incorporated places. CDPs are delineated solely to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located. They include small rural communities. The boundaries of a CDP have no legal status.

**Table 4 - Historical Population by Sex**

	US Census		American Community Survey 2005- 2009		US Census	
	1990	2000	Sample Estimate	Margin of Error	2010	Percentage 2010 Total
Total Population	4,677	5,642	6,602	+/-27	7,542	
Males	2,288	2,757	3,302	+/-174	3,697	49.0%
Females	2,389	2,885	3,300	+/-175	3,845	51.0%

(US Census Bureau, 1990) (US Census Bureau, 2000) (US Census Bureau (ACS), 2005-2009) (US Census Bureau, 2010)

Similar to much of the region, there has been an upward shift in Upton’s age. The median age in the Town of Upton in 2010 was 41.5 years old, 2.2 years older than the median age (39.3 years old) of Worcester County as a whole.

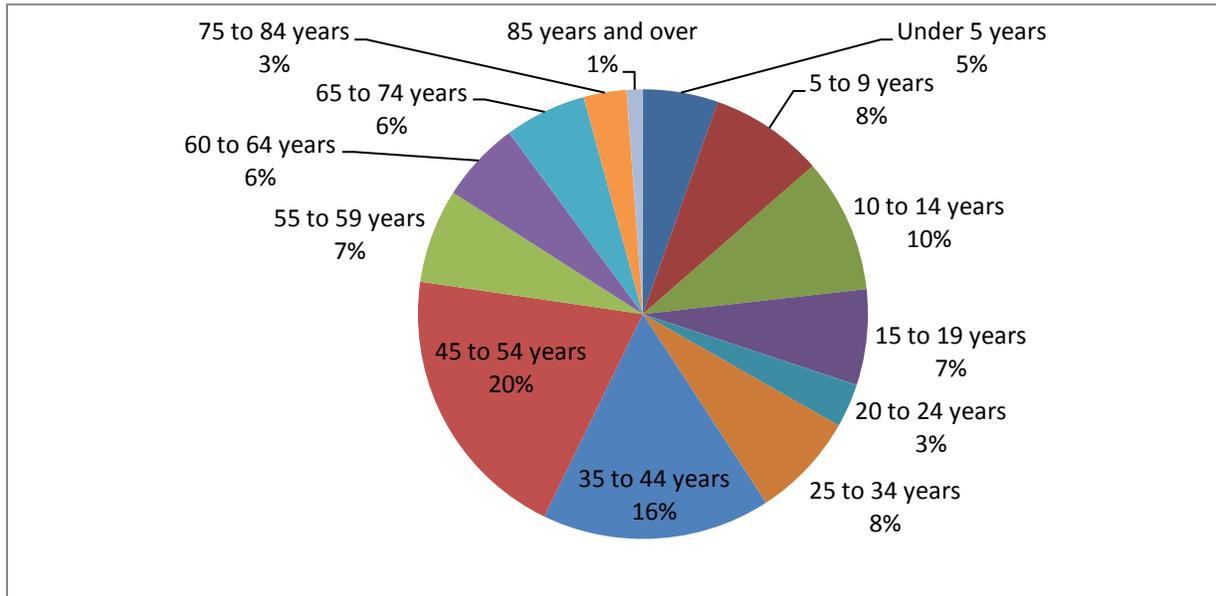
**Table 5 - Historic Population by Age Distribution**

	US Census	American Community Survey 2005- 2009		US Census	
	2000	Sample Estimate	Margin of Error	2010	Percentage 2010 Total
Under 5 years	558	347	84	407	5.4
5 to 9 years	514	412	123	617	8.2
10 to 14 years	382	840	181	728	9.7
15 to 19 years	274	398	100	519	6.9
20 to 24 years	154	272	116	236	3.1
25 to 34 years	663	464	136	570	7.5
35 to 44 years	1,309	1127	109	1238	16.4
45 to 54 years	838	1505	189	1516	20.1
55 to 59 years	246	419	135	509	6.7
60 to 64 years	169	151	71	440	5.8
65 to 74 years	275	418	124	442	5.9
75 to 84 years	190	170	58	232	3
85 years and over	70	79	57	88	1.2
Median age (years)	37.0	41.6	1.2	<b>41.5</b>	

(US Census Bureau, 1990) (US Census Bureau, 2000) (US Census Bureau (ACS), 2005-2009) (US Census Bureau, 2010)

As can be seen in the chart below, residents between the ages of 20 and 64 years of age make up 60% of the population, 15.9% of the population is 60 years or older, 30% are less than 20 years of age.

**Figure 1 - Age Distribution in Upton, 2010**



(US Census Bureau, 2010)

**4. RACE, ETHNICITY, AND NATIONAL ORIGIN**

Upton is a predominantly white community with only minimal racial diversity.

**Table 6 - Historic Population Counts by Race**

	US Census		American Community Survey 2005- 2009		US Census	
	1990	2000	Sample Estimate	Margin of Error	2010	Percentage of 2010 Total
White	4,591	5,492	6,515	81	7,290	96.7
Black or African American	31	27	0	127	78	1
American Indian, Eskimo, or Aleut	12	4	0	127	35	0.5
Asian or Pacific Islander	34	55	98	205	220	2.9
Some Other race	9	17	0	127	27	0.4
Hispanic or Latino of any race	33	41	25	41	119	1.6

(US Census Bureau, 1990) (US Census Bureau, 2000) (US Census Bureau (ACS), 2005-2009) (US Census Bureau, 2010)

Worcester County, however, is somewhat more diverse with a White population of 87.6%, a Black or African American population of 5.1%, an American Indian and Alaska Native population of 0.7%, and Asian or Pacific Islander population of 4.7% and Some Other Race population of 4.4%. Hispanics or Latinos of any race represent 9.4%.

5. LABOR FORCE, EMPLOYMENT, AND EDUCATION

In 2007 before the current economic downturn, Upton and the towns surrounding it had unemployment rates between 3.2% and 5.5%. Upton fell almost exactly in the middle of the field with an unemployment rate of 4.3%. As of July 2010, with area unemployment rates between 7.1% and 10.7%, Upton again is in the middle with an unemployment rate of 8.3%. The July 2010 unemployment rate for the State was 9.1%, and for Worcester County was 10.3%.

**Table 7 - Annual Average Labor Force, Employment and Unemployment (2011 Not seasonally corrected)**

	2006 Average Unemployment Rate	2008 Average Unemployment Rate	2010 Average Unemployment Rate	Average 2010 Labor Force	September 2011 Unemployment rate
Grafton	4.1%	4.9%	8.0%	9,738	6.3%
Hopedale	4.0%	4.7%	7.1%	3,441	5.6%
Hopkinton	3.4%	3.9%	6.4%	7,720	5.2%
Mendon	3.7%	4.1%	6.8%	3,316	6.2%
Milford	4.5%	5.1%	7.9%	15,461	5.9%
Northbridge	5.0%	6.3%	9.8%	7,581	7.8%
Upton	4.4%	5.0%	7.9%	3,570	5.7%
Westborough	3.7%	4.1%	6.8%	8,988	6.2%
Worcester	5.7%	6.3%	10.0%	86,251	9.2%

(Massachusetts Executive Office of Labor and Workforce Development, 2011)

In September 2011 the unemployment rate for Worcester County was 8.0%, the State unemployment rate was 7.2 %. The Construction industry has the greatest number of establishments in Upton, however the Education industry pays the greatest amount in wages in the Town. Professional and Technical sector jobs pay the largest average weekly wage.

**Table 8 - 2010 Average Employment and Wages by Industry, All Ownership**

Total, All Industries	Establishments	Total Wages	Average Employment	Average Weekly Wage
	189	\$48,349,717	1,063	\$875
Construction	53	\$6,210,693	130	\$919
Manufacturing	4	\$1,175,816	26	\$870
Wholesale Trade	16	\$3,028,042	32	\$1,820
Retail Trade	13	\$736,123	36	\$393
Transportation & Warehousing	4	\$1,451,148	31	\$900
Information	3	\$245,756	6	\$788
Professional & Technical Services	20	\$923,874	16	\$1,110
Administrative and Waste Services	14	\$2,063,617	62	\$640
Health Care & Social Assistance	6	\$3,010,476	46	\$1,259
Arts, Entertainment, & Recreation	4	\$226,709	32	\$136
Accommodation & Food Services	11	\$1,703,078	128	\$256
Other Services, Ex. Public Admin	26	\$901,374	42	\$413
Public Administration	5	\$6,309,254	111	\$1,093

(Massachusetts Executive Office of Labor and Workforce Development, 2011)

Over 84% of the workforce in Upton works in three occupational categories: Management, professional and related; service; and sales and office occupations. The mean travel time to work for workers 16 and over in Upton was 31.4 minutes (an increase from 26 minutes in 2000) and 80.1% drove to work alone, a reduction from 85.8% in 2000 (US Census Bureau (ACS), 2005-2009).

As demonstrated by the data in the table below, the top four (4) employers in town are schools, and if taken in aggregate, the Town of Upton (Fire, Police and Public Works.) Many businesses or institutions located in town employ less than 50 people, indicating a fairly small local commercial or industrial base.

**Table 9 - Largest 25 employers in Upton 2010**

Company Name	Address	Number Of Employees	NAICS Code
Blackstone Vly Voc-Tech High	Pleasant St	100-249	6111
Nipmuc Regional Middle/High	Pleasant St	100-249	6111
Memorial School	Main St	50-99	6111
Colonial Chem-Dry Carpet	Milford St	20-49	5617
Dunkin' Donuts	Hartford Ave N	20-49	7222
East Coast Siding	Brousseau Dr	20-49	2381
Fresco's Restaurant	Milford St	20-49	7221
George J Summers Trucking Co	Church St	20-49	4842
Hopedale Cardiology	Milford St	20-49	6211
Red Barn Coffee Roasters	Walker Dr	20-49	4244
Riverside Outpatient Ctr	Milford St	20-49	6214
Upton Fire Dept	Church St	20-49	9221
Upton Police Dept	School St	20-49	9221
W W Contractors Corp	Wood St	20-49	2361
Advantcraft Inc	Juniper Rd	10-19	4511
Aniceto Inc	Milford St	10-19	2381
Century 21	Main St	10-19	5312
Cornerstone	Main St	10-19	5312
Craftech	Walker Dr	10-19	2361
David Hancox Landscaping Corp	Milford St	10-19	5413
Liquid Solids Control Inc	Farm St	10-19	4236
United Parish Nursery School	Central Sq	10-19	6244
Upton Historical Society	Main St	10-19	8133
Upton Public Works Dept	Pleasant St	10-19	2373
JJs Ice Cream	Milford St	5- 9	722

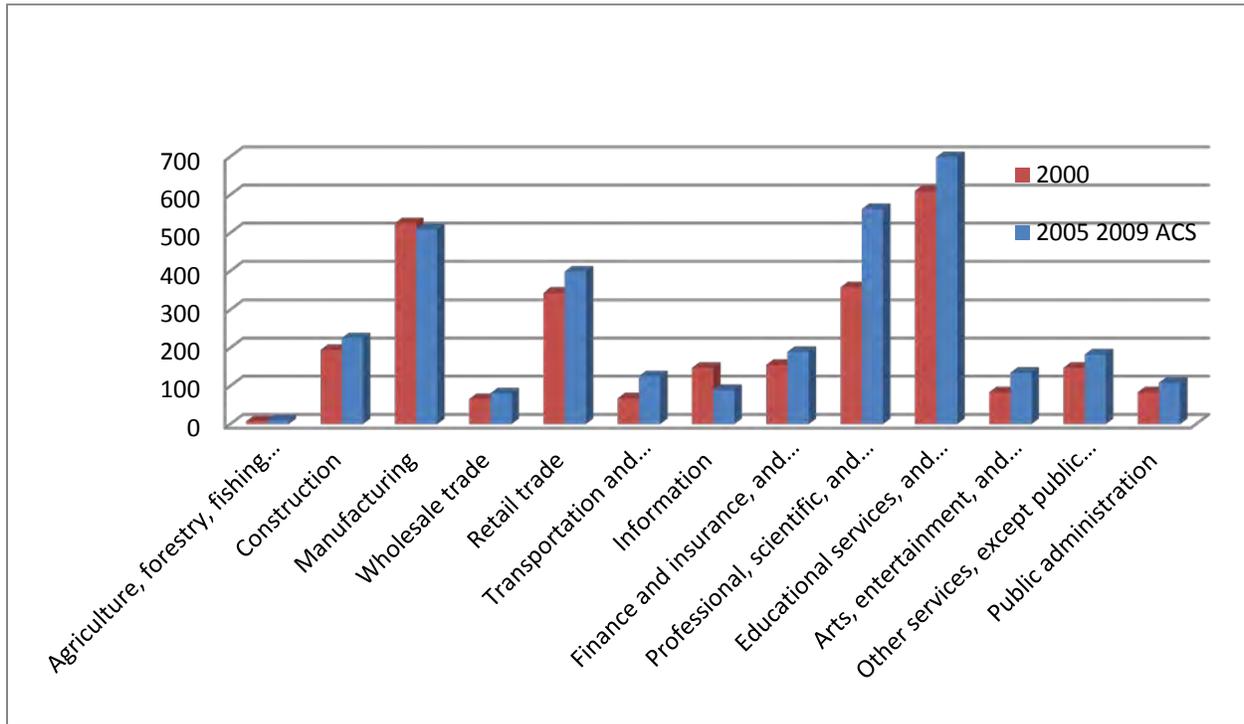
(Infogroup via Massachusetts Executive Office of Labor and Workforce Development (EOWLD), 2011)

From 2000 to 2009, the town added 526 workers over the age of 16. Over 65% of the workers over the age of 16 are employed in one of the following industries:

- Manufacturing,
- Retail Trade
- Professional, scientific, and management, and administrative and waste management services or
- Educational services, and health care and social assistance

The largest fluctuation between 2000 and 2009 was in the Professional, scientific, and management, and administrative and waste management services sector.

**Figure 2 - Upton Employment Industries 2000-2009**



(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

Because of the lack of expected commercial or industrial development in Upton, the job growth forecast in Upton through 2035 is very small (less than 3% over 25 years).

**Table 10 - Town Level Employment Projections**

Town	EOLWD* 2005	EOLWD* 2009	CMRPC Projected 2010	CMRPC Projected 2020	CMRPC Projected 2035
Grafton	4,306	4,081	4,100	4,310	4,470
Hopedale	1,629	1,616	1,620	1,650	1,670
Mendon	1,279	1,280	1,280	1,310	1,320
Northbridge	4,418	5,162	5,320	5,660	5,950
Upton	1,018	1,003	1,010	1,030	1,040
Westborough	24,553	23,457	2,3610	26,320	27,690
Worcester	97,647	95,507	95,920	102,410	106,250
<b>State Control Totals</b>	<b>134,850</b>	<b>132,106</b>	<b>132,860</b>	<b>142,690</b>	<b>148,390</b>
* - Massachusetts Executive Office of Labor and Workforce Development					

(Central Massachusetts Regional Planning Commission (CMRPC), 2011), (Massachusetts Executive Office of Labor and Workforce Development, 2011)

The number of school age residents has increased since 2000 at a much greater rate (almost 60%) than the overall population growth (almost 14%, over the same time period). The number of nursery school, preschool, and kindergarten students however fell, possibly indicating a coming decline in total student population and accounting for the general aging of the town

**Table 11 - School Enrollment**

Enrollment	2000 Census		2005-2009 ACS Estimate	
	Total	%	Total	%
Enrolled in School (3 years and older)	1,299	100	2,062	100
Enrolled in nursery school, preschool	156	12.0	140	6.8
Enrolled in kindergarten	113	8.7	70	3.4
Enrolled in grade 1 to grade 8	647	49.8	1,063	51.6
Enrolled in grade 9 to grade 12	250	19.2	424	20.6
Enrolled in college, undergraduate years	133	10.2	365	17.7

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

#### 6. DISABILITY STATUS AND SPECIAL POPULATIONS

Disability data are not available from the 2005-2009 American Community Survey data set or the 2010 Decennial Census due to changes in the disability questions on the survey. In 2000, there were 629 people in Upton listed as disabled. In 2010 eight (8) individuals lived in institutionalized group quarters and none lived in non institutionalized group quarters. (US Census Bureau, 2010) This is significant decrease from 2000 when 36 lived in institutionalized group quarters and nine (9) lived in non-institutionalized group quarters. While not all residents with disabilities require special housing assistance, many do.

Estimated from the 2005-2009 ACS survey, the veteran population in Upton is 386 (+/-109). Of that population, 0 (+/-9) are veterans of current conflicts, 4.4% (17+/-7) were Gulf War veterans, 31.9% (123+/-16) are Vietnam era veterans, 16.8% (65+/-11) are Korean War era veterans, and 17.1% (66+/-12) are World War 11 era veterans. The median income of the veteran population in 2009 inflation adjusted dollars is \$29,929 (+/--\$9,470) compared to that of the civilian median income of \$44,713 (+/- \$6,596). Most veterans (62.2%) have a college or associate's degree.

#### 7. INCOME AND POVERTY

The estimated median household income in Upton in 20005-2009 was \$102,604; up from \$78,595 in 2000. The 2000 Census reported that there were 28 (1.8%) families and 197 (3.5%) individuals below the poverty level, numbers that increased by less than one half of one percent (<0.5%) between 2000 and 2009. As a reference point the Health and Human Services poverty threshold for 2010 for an individual was \$10,830 and for a family of four (4) was \$22,050 in the 48 contiguous states and the District of Columbia.

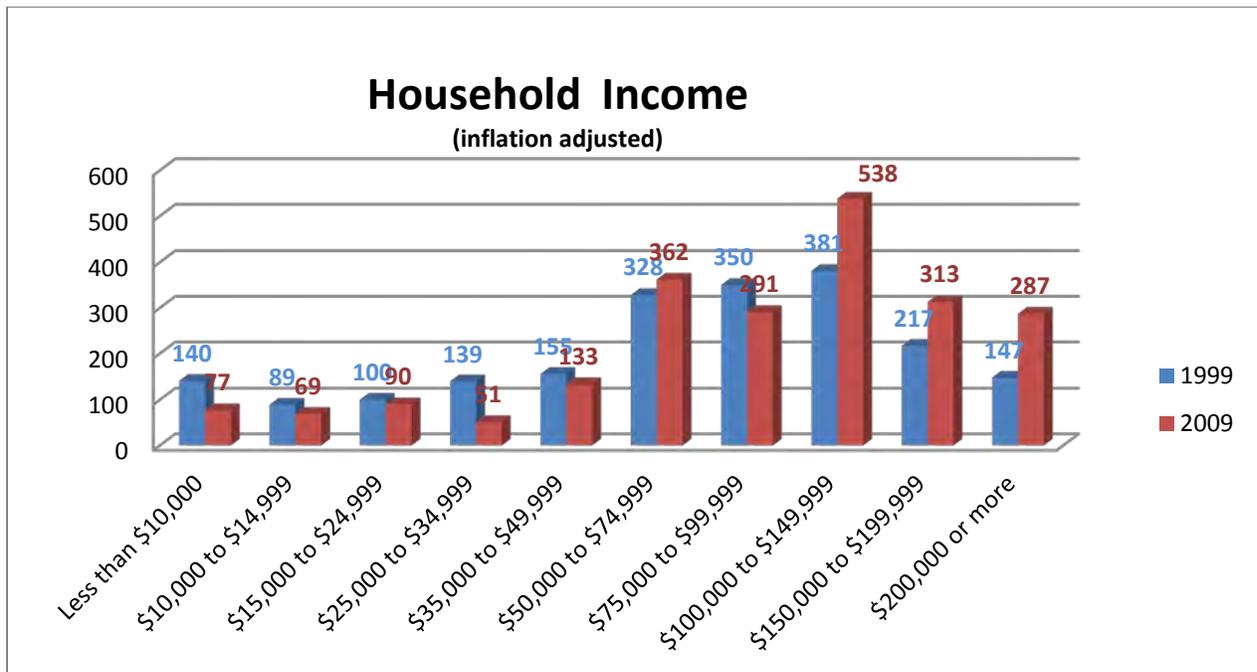
**Table 12 - Income and Poverty level**

	2000	2009	% change
Median Household Income	\$78,595	\$102,604	37%
% below poverty level (individuals)	3.5% (197)	3.6% (235)	0.1%
% below poverty level (households)	1.2% (28)	1.35% (30)	0.1%
% below poverty 65 years and over	4.7% (23)	7.5% (489)	2.8%

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

The chart below demonstrates the number of households making various ranges of income, the greatest number making between \$100,000 and \$149,999.

**Figure 3 - Median Household Income in Upton 1999 and 2009**



(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

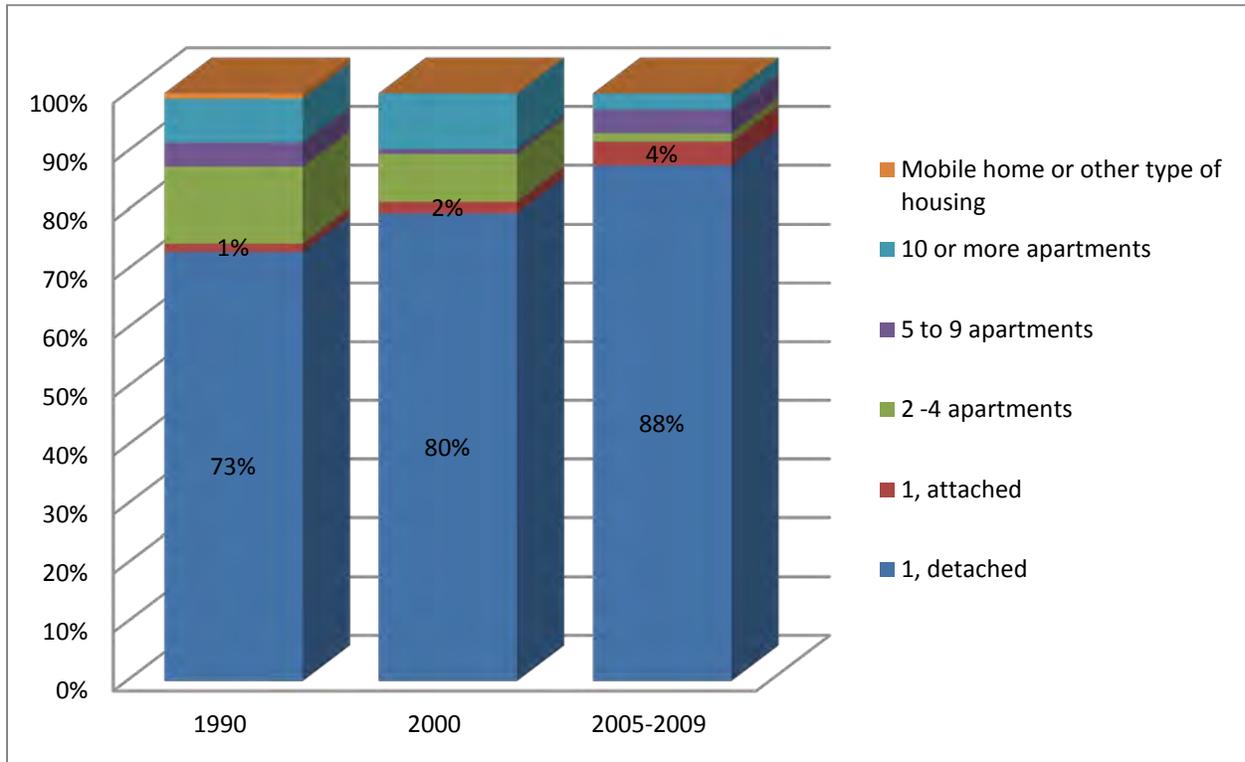
## D. HOUSING CHARACTERISTICS AND TRENDS

### 1. HOUSING STOCK

According to the 2000 Census, of 2,084 housing units, Upton had 1,477 single family homes with a median value of \$239,000. Upton is dominated by one-unit detached units. Developments/buildings with 20 or more units accounted for 147 housing units.

This development pattern remained substantially unchanged in 2009, where of the 2,314 housing units, 2,041 were single family homes, accounting for over 92% of the housing units in the town. However, 1.7% of the total housing units in 2010 were in developments of 50 or more units, a new category for Upton.

**Figure 4 - Housing Types, 1990, 2000, 2005-2009**



(US Census Bureau, 1990), (US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

Almost 25% of the housing units in Upton were built prior to 1939. For the next five (5) decades (1940-1990), the housing stock increased by at least 130 units and as many as 292 units. From 1990 to March of 2000, over 550 units were built. Between 2000-2004, 306 housing units were built. This number dropped sharply beginning in 2005, with only 80 units built since 2005.

## 2. OCCUPANCY

As reported in 2005-2009 ACS, only 6.8% of Uptonians have lived in their home since 1969 or earlier. 20.1% moved to their current unit between 1969 and 1989, with the remaining 73.1% arriving at their new home since 1990.

**Table 13 - Housing Occupancy Characteristics**

<b>Occupancy Type</b>	<b>2000 Census</b>	<b>2005-2009 ACS Estimate</b>	<b>2010 Census</b>
Total housing units	2,084	2,314	2,832
Occupied housing units	2,042	2,211	2,733
Owner-occupied	1,683	2,007	2,289
Renter-occupied	359	204	444
Vacancy rate			
Homeowner vacancy rate	0.5%	2.5	0.7%
Rental vacancy rate	3.8%	15.7+/- 21.7	5.9%
Average household size	2.74	2.99	2.76
Owner-occupied	2.96	3.13	2.94
Renter-occupied	1.73	1.60	1.81
Vacant housing units	42	103	99

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009), (US Census Bureau, 2010)

Upton is, as previously mentioned, a predominantly single-family home community. This is illustrated by the distribution, not only of the number of owner-occupied units as seen in Figure 4 above, but also in the total population residing in owner-occupied or renter-occupied homes. 6,197 people live in owner-occupied single-family homes and 78 people live in owner-occupied homes with 2 to 4 units. 116 people live in rented single-family homes and 211 live in rented homes of 5 or more units.

The national average for owner occupied housing vacancy rate is 1.4% and the national average for rental vacancy rate is 7%. Upton's vacancy rates for owner occupied and rental housing is 0.7% and 5.9%, respectively, considerably below the national average. Some may interpret this to mean there is an overall shortage of housing for both owner-occupied and rental units. Typically when there is a shortage, consumers may see prices rise as a result.

### 3. HOUSING AFFORDABILITY

*Why the 30 Percent of Income Standard for Housing Affordability? (US Census Bureau)*

The conventional public policy indicator of housing affordability in the United States is the percent of income spent on housing. Housing expenditures that exceed 30 percent of household income have historically been viewed as an indicator of a housing affordability problem. Households spending greater than 30 percent of household income are described as "burdened".<sup>3</sup>

<sup>3</sup> This criterion has evolved from the United States National Housing Act of 1937.

*Rental*

The 2005-2009 ACS median estimated monthly rent paid for the 204 renter-occupied units paying rent in Upton was \$932. 13 households paid more than \$1,500 per month, as compared to 2000, when no household paid more than \$1,500 per month. In 2000, 43.0% of the rental housing units were rented by households paying greater than 30% of their household income toward gross rent. In 2009, this number increased to just over 50%. In 2000, in stark contrast to the renter housing costs, only 16.4% of the housing units were owned by households paying greater than 30% of their household income toward owner costs.



**Table 14 - Rental Unit Affordability**

	2000	2005-2009 ACS Estimate	2010
Renter Occupied Units	356	204+/-93	444
Rental Vacancy Rate	3.8%	15.7+/- 21.7	5.9
Median Monthly Rent	\$544	\$932+/- 681	na-
Percentage of Renters paying greater than 30%	43.0%	50.2%	na-

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

Of the 204 households renting in Upton, an estimated 50.2% pay greater than 30% of their household income on gross rent. This suggests that rental units have historically been unaffordable, but that issue is exacerbated by the fact that the number of rental units in Upton has decreased from 356 to 204, yet there is a roughly 5.9% vacancy rate for rental properties in Upton. For comparison purposes, it should be noted that in the third quarter of 2010, the rental vacancy rate in the Worcester Metropolitan Statistical Area (MSA) was 6.3%, one of the lowest rental vacancy rates in the country. One would typically expect, in a down economy, to see a reduction in the vacancy rate. This is due to a couple of factors, such as: 1) an increase in the number of foreclosures results in people who are losing their homes enter the rental market; and 2) because mortgage lending standards are much higher, people cannot borrow in the stricter lending market and they stay in the rental market. Thus, it appears that the supply of rental housing in Upton is not addressing the demand.

**Table 15 - Age of Upton Householders paying gross rent greater than 30% of their income on housing costs**

Age of Householder	Number paying more than 30% of income on housing costs	Percent of total householders in age bracket
Householder 15 to 34 years	0	
Householder 35 to 64 years	89	70%
Householder 65 years and over	0	

(US Census Bureau (ACS), 2005-2009)

Table 15 - Age of Upton Householders paying gross rent greater than 30% of their income on housing costs is particularly interesting because of the following:

1. There are no householders under the age of 34 paying rent.
2. 24 householders 35 – 64 are paying less than 20% of their income in rent. The rest are paying over 30%; in fact, of the 89 householders paying over 30%, 53 of them are paying 35% or more.
3. Of the 77 householders that are over 65, 25 of them pay less than 20% and 39 of them pay 25 – 29.9%.

The table below compares median gross rent in Upton with surrounding towns, the county and the state overall. The 2005-209 ACS estimated that the Median Gross Rent in Upton was \$932. The median rent grew faster (greater than 70%) in Upton since 2000 than any of the surrounding towns.

**Table 16 - Media Gross Rent in Upton and Surrounding Towns, 2000 and 2005-2009**

Geographic Area	2000 Census	2005-2009 ACS	
	Median Gross Rent (h63)	Median Gross Rent	Median Gross Rent Margin of Error
Grafton	\$625	\$883	\$52
Hopedale	\$740	\$978	\$234
Hopkinton	\$645	\$961	\$533
Mendon	\$702	\$1,008	\$209
Milford	\$680	\$973	\$38
Northbridge	\$607	\$933	\$47
<b>Upton</b>	<b>\$544</b>	<b>\$932</b>	<b>\$681</b>
Westborough	\$863	\$1,194	\$41
Worcester	\$577	\$842	\$18
Worcester County	\$580	\$847	\$10
Massachusetts	\$684	\$987	\$5

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009)

The majority of rental units in Upton are 3 bedroom units (76), but more than a third of those pay no cash rent (27).

**Table 17 - Upton Households rent ranges compared to HUD Fair Market Rents.**

	0 Bedrooms	1 Bedroom	2 Bedroom	3 Bedroom	Total units
With cash rent	0	65	63	49	177
Less than \$200	0	13	0	0	13
\$200 to \$299	0	26	0	0	26
\$300 to \$499	0	26	0	0	26
\$500 to \$749	0	0	12	0	12
\$750 to \$999	0	0	0	36	36
\$1,000 or more	0	0	51	13	64
No cash rent	0	0	0	27	27
Total number of units	0	65	63	76	204
2011 HUD Fair Market Rent	\$721	\$806	\$1061	\$1268	
Total units at or below FMR		65 (100%)	12 (19%)	63 (82%)	140

(Housing and Urban Development , 2011) (US Census Bureau (ACS), 2005-2009)

As of December 27, 2010, there were six (6) properties for rent in Upton, as listed on Realtor.com. The rents ranged from a low of \$800 for two one-bedroom apartments to a high of \$1,950 and \$3,300 for two single family homes. On June 22, 2011 the MLS listed 5 rental units in Upton – a room at \$300, a 1-

bedroom apartment at \$625 (below FMR), another 1-bedroom condominium at \$950 (above FMR), a 2-bedroom single family home at \$1,400 (above FMR), and a 3-bedroom single family home for \$2,100 (above FMR). On November 21, 2011, Realtor.com listed ten (10) properties for rent in Upton – two 4BR homes renting for between \$1,450 and \$3,800, three 3BR units renting for between \$1,050 and \$1,800, two 2 BR units renting for between \$1,000 and \$1,350 and three (3) 1BR units renting for between \$800 and \$900.

The Eastern Worcester County, Massachusetts HUD Metro Fair Market Rent Area contains the following areas in Worcester County, MA: Berlin, Blackstone, Bolton, Harvard, Hopedale, Lancaster, Mendon, Milford, Millville, Southborough, and Upton. The Median Family Income (MFI) is \$107,700. The median family income in Upton (ACS 2005-2009) was \$121,250 +/- \$14,696.

**Table 18 - FY2011 Eastern Worcester County, MA HUD Metro Fair Market Rent Income Limits**

Persons in household	1	2	3	4	5	6	7	8
Extremely Low Income (30% Of Median)	21,600	24,650	27,750	30,800	33,300	35,750	38,200	40,700
Very Low Income (50% of Median Income)	35,950	41,100	46,250	51,350	55,500	59,600	63,700	67,800
Low-Income (80% of Median Income)	44,950	51,400	57,800	64,200	69,350	74,500	79,650	84,750

(US Housing And Urban Development, 2011)

Table 18 represents the income levels that subsidized housing projects must target to meet certain funding standards.

a) HOMEOWNERSHIP

The median monthly mortgage in 2000 was \$1,602 for the 1,203 units with mortgages. In 2010, this number increased to a median monthly mortgage of \$2,426 for the 1,633 units with mortgages. The median home value was \$417,000 in 2010, up from \$239,000 in 2000. However, while home values rose nearly doubled since 2000, in 2010 over 37% of the homeowners with mortgages were paying over 30% of their household income for housing.

**Table 19 - Homeownership Unit Affordability**

	2000	2005-2009 ACS Estimate	2010
Owner-Occupied units	1,683	2007+/- 121	2289
Homeowner Vacancy Rate	0.5%	2.5+/-3	0.7%
Median Monthly Homeownership Costs (with mortgage)	\$1,553	\$2,426+/- \$153	na
Percentage of homeowners with a mortgage paying Greater than 30%	16.3%	37.4%	na
Median Value of Owner occupied units	\$239,000	\$417,100+/- \$25,242	na

(US Census Bureau, 2000), (US Census Bureau (ACS), 2005-2009), (US Census Bureau, 2010)

The 2009 ACS Median Household income for the Town of Upton was \$102,604. Using that Freddie Mac online calculator<sup>4</sup> to determine the price of a home affordable to a household making that amount, assuming 20% down, 5% interest rate, the price of the home would be \$548,755 with a total monthly payment of \$2,565, which is equivalent to 30% of the income. So while this might indicate roughly half of the households can purchase homes greater than the median value, the distribution of income still gives rise to 37.4% of homeowners with a mortgage paying greater than 30% of their household incomes. Of note is that an estimated 75 households with NO mortgage still pay greater than 30% of their monthly income on homeowner costs.

As of December 27, 2010, there were 43 properties for sale in Upton, ranging in price from a high of \$1.65 million down to \$152,000. There were nine properties listed for under \$250,000. On June 21, 2011, the MLS listed 50 single family homes ranging from a 4 bedroom cape at \$185,000 to a 3 bedroom contemporary home at \$575,000. Also listed were three (3) condominiums ranging from 1 to 3 bedrooms at prices between \$147,000 and \$182,500 and 2 multifamily buildings with three (3) units each listing for \$275,000 and \$325,000. On November 21, 2011, 45 properties were listed, 11 for \$500,000 or more, 20 for \$300,000 to \$499,000, six (6) for \$200,000 to 299,000 and, eight (8) for less than \$200,000.

<sup>4</sup> <http://www.freddiemac.com/homeownership/calculators/>

**Table 20 - Median Sales Price in Upton and Surrounding Geographies since 2005**

	2005	2006	2007	2008	2009	2010
Grafton	\$365,000	\$339,200	\$349,230	\$287,500	\$295,000	\$300,000
Hopedale	\$314,900	\$285,000	\$308,500	\$256,500	\$224,000	\$212,500
Hopkinton	\$512,000	\$582,900	\$500,341	\$515,500	\$430,000	\$448,750
Mendon	\$470,000	\$427,250	\$465,000	\$349,500	\$303,000	\$280,625
Milford	\$323,000	\$312,000	\$307,500	\$255,200	\$237,500	\$241,000
Northbridge	\$319,900	\$291,500	\$288,000	\$259,021	\$220,000	\$220,500
Upton	\$422,500	\$390,250	\$410,750	\$481,225	\$359,250	\$366,325
Westborough	\$425,000	\$453,950	\$416,500	\$350,000	\$326,500	\$357,250
Worcester	\$245,000	\$235,000	\$222,000	\$171,000	\$160,000	\$160,000
Worcester County	\$265,000	\$255,000	\$250,000	\$212,500	\$190,000	\$195,000
Massachusetts	\$332,000	\$325,000	\$323,100	\$287,000	\$264,900	\$275,000

(The Warren Group, 2011)

Upton has the highest Price to value ratio of most surrounding towns and a higher price to value ratio of the County and State. Given the faltering economy it is remarkable that homes in Upton retained such a high proportion of their value.

**Table 21 - Price to Value of Owner occupied homes in Upton and surrounding geographies**

Geographic Area	Median Value Owner occupied housing units (h76)	Median Home Value Owner Occupied Housing Units		Median Sales Price	Price to Value
		2000 Census	ACS 2005- 2009		
				Warren Group 2010	
Hopedale	182,200	349,300	15,087	212,500	0.608
Worcester	119,600	248,300	3,104	160,000	0.644
Mendon	240,300	423,000	23,234	280,625	0.663
Northbridge	161,200	317,800	15,045	220,500	0.694
Milford	175,600	338,000	8,010	241,000	0.713
Westborough	262,200	457,900	16,206	357,250	0.780
Hopkinton	314,500	556,900	21,983	448,750	0.806
Grafton	183,500	362,800	9,003	300,000	0.827
Upton	239,000	417,100	25,242	366,325	0.878

Geographic Area	Median Value Owner occupied housing units (h76)	Median Home Value Owner Occupied Housing Units	Median Sales Price	Price to Value	
Worcester County	146,000	285,000	1,648	195,000	0.684
Massachusetts	185,700	357,600	771	275,000	0.769

(The Warren Group, 2011)

In the same vein, Upton has had relatively few petitions (~21%) to foreclose that have proceeded to sale.

**Table 22 - Foreclosure Activity**

Geographic Area	Petitions to foreclose	Ratio of petitions to sales Calendar Year 2010
Hopkinton	33	0.131
Westborough	35	0.1989
Upton	19	0.2065
Grafton	58	0.2673
Hopedale	29	0.3333
Northbridge	64	0.3516
Milford	121	0.406
Mendon	21	0.4565
Worcester	960	0.5289
Worcester County	3,842	0.4163
Massachusetts	23,933	0.3116

(The Warren Group, 2011)

**Table 23 - Foreclosure activity in Upton, 2008 to 2010**

Foreclosures	2008	2009	2010
Foreclosure petitions	12	26	19
Foreclosure auctions	1	1	2
Foreclosure deeds	7	8	9

(The Warren Group, 2011)

The foreclosure process in Massachusetts:

A foreclosure petition is filed by the lender with the court and is the first step in the foreclosure process. When a homeowner gets behind on his or her payments, the lender may file a petition to foreclose. The petition typically contains a list of what the lender wants the court to do, including declare the mortgage in default, confirm the amount owed, etc.

A foreclosure auction announcement is run in a newspaper, advertising the date and time of a foreclosure auction. This usually happens at least three months after the petition is filed, but recently this has been taking even longer than that.

A foreclosure deed, or deed in lieu of foreclosure, is a deed instrument in which the property owner (borrower) conveys all interest in the real property to the lender to satisfy a loan that is in default to avoid foreclosure proceedings. This deed is filed with the registry of deeds when the property is sold at auction.

Statewide, foreclosure deeds fell more than 40 percent from November 2009 to November 2010. Foreclosure petitions similarly fell nearly 43 percent in that timeframe. November was only the third month in 2010 that foreclosure starts dropped below 2,000 (Jennifer McKim, “Foreclosures in Massachusetts plunge in November”, Boston Globe, December 29, 2010).

#### 4. AFFORDABLE HOUSING SUPPLY

##### a) SUBSIDIZED HOUSING INVENTORY

As of January 26, 2011, 8.55% (178) of the Town of Upton’s 2000 Census Year Round housing units (2,083) were part of the subsidized housing inventory (SHI). Massachusetts General Law Chapter 40B sets a goal for each Massachusetts municipality to have 10% of its housing stock as affordable subsidized housing. With the release of the 2010 Census data, this information was updated as shown in the table below.

**Table 2 - Upton DHCD Subsidized Housing Inventory, August 3, 2011**

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built with Comp Permit?	Subsidizing Agency
3164	Coach Road Apartments	4 Hartford Avenue	Rental	40	Perpetuity	No	DHCD
3165	Millhaus at Upton	Main Street	Rental	89	2012	No	MassHousing
3166	Upton Inn	135 Main Street	Rental	34	3/1/2018	No	MassHousing
4488	DDS Group Homes	Confidential		0	NA	No	DMR
6360	Samreen Villa I	Knowlton Circle	Ownership	13	Perpetuity	Yes	FHLBB
6361	Samreen Villa II	Maple Grove	Ownership	2	Perpetuity	Yes	FHLBB

Total SHI units	<b>178</b>
Census 2010 Year Round Housing Units	2820
Percent Subsidized 2010	6.3%

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.

As shown in Table 25 - DHCD Chapter 40B Subsidized Housing Inventory (SHI) for Upton and Surrounding Communities, as of June 30, 2011 with the exception of Westborough (10.0%), affordable housing development in Upton has exceeded each of the surrounding towns. As we can see from the data above, the 2010 Census Year Housing Units increased in 2010 and the total number of SHI units needed to reach the 10% goal also increased, but one or two carefully crafted developments could easily send it over the threshold.

Based on total housing unit count of 2,820 in 2010, Upton's SHI is now 6.3%, a drop of over two full percentage points from 2000. The 10% goal is now 282 affordable units, giving the town a deficit of 104 units in 2011 (the number needed based on 2000 census data was 30 units).

**Table 3 - DHCD Chapter 40B Subsidized Housing Inventory (SHI) for Upton and Surrounding Communities, as of June 30, 2011**

	2000 Census Year Round Housing Units	Total Development Units	SHI units	Pre 2010 %	2010 Census Total Units	New SHI %
Grafton	5,820	531	318	5.46	7,177	4.4
Hopedale	2,284	111	111	4.86	2,285	4.9
Hopkinton	4,521	299	153	3.38	5,087	3.3%
Mendon	1,870	106	49	2.62	2,091	2.3
Milford	10,682	997	724	6.78	11,379	6.4%
Northbridge	4,930	393	378	7.67	6,172	6.1%
Upton	2,083	223	178	8.55	2,832	6.3%
Westborough	6,729	721	671	9.97	7,350	9.1%
Worcester	70,408	9,603	9,591	13.62	74,645	12.8
39 CMRPC Towns	133,245	9,122	7,609	5.71	142,257	
State	2,526,963	271,663	244,102	9.67		

(Massachusetts Department of Housing and Community Development, 2011)

## 5. HOUSING NEEDS SUMMARY

Based on the demographics and the housing supply and trends in the town of Upton and surrounding areas demonstrated above, the future housing needs include the following:

1. In general more housing supply in town would increase housing choices.
2. The town is dominated by single family home ownership. Increased diversity of housing types would lead to greater selection. Renovation of existing housing stock into affordable housing or multi-family housing may provide opportunities for small scale efforts to address housing needs.

3. More rental housing would provide housing options for those unable to enter the homeownership market.
4. Affordable housing is needed to accommodate young professionals, young families, aging residents on fixed or declining incomes.
5. Housing to accommodate special needs populations.

### *1. More housing*

The vacancy rate for both homeownership and rental in the Town of Upton are very low. According to the Donohue Institute, optimal vacancy rates are 7.4% for rental housing and 1.5% for owner housing. According to the 2010 Census, for Upton the rental vacancy rate is 5.9% and for owner housing vacancy rate is 0.7%. The rental and homeowners vacancy rates for Worcester County in 2010 were 7.7% and 1.8% respectively. While the population and housing growth of Upton and the region is among the fastest in the state, the production of housing is much slower than the rate of increase of population.

### *2. More types of housing*

The vast majority of Upton's housing stock are single family homes. Opportunities to allow for accessory dwelling units might provide additional housing for multigenerational households, not uncommon in Upton. The regional surplus of housing indicated by the Donahue Institute is largely a surplus of single family units which masks the expected shortage of multifamily units and rental units.



In addition to new construction, opportunities to meet this need exist in renovating existing housing, and/or in creation of mixed use housing.

### *3. More rental housing*

Only 16.2% of Upton's housing stock is rental housing with an average household size of 1.81. In Worcester County, 33.9% of the housing stock is rental housing with an average household size of 2.23.

**Figure 5 - Percentage of Rental Housing By Census Tract in Upton and Surrounding Areas**



American Factfinder 2 (US Census, 2010)

#### 4. More affordable housing

Over half of the renters in Upton in 2005-2009 were pay greater than 30% of their income toward housing. If we use this figure on the number of rental units in Upton that is 222 units where occupants are paying greater than 30% of the household income. Based on 2005-2009 ACS information, studio apartments available in Upton are generally affordable. However, as the bedroom count increases, the affordability seems to decrease, with fewer units below the fair market rent. Rental units are in short supply in Upton, and affordable rental units even more so.

While households making the median income of \$102,000 can typically afford the median sales price for home in Upton, 37.4% of homeowners are still paying greater than 30% of their incomes on housing costs.

*5. Special needs population housing*

The need for special population housing is difficult to ascertain given the lack of detailed information available in the 2005-2009 ACS and the 2010 US Census. Because there are such limited group quarters housing, the population is very small 0.1% (8 institutionalized males) in the Town of Upton in 2010.

Upton like many other communities has an aging population, Information from the Director of the Upton Council on Aging suggests that veterans and seniors maybe in need of greater housing options but are either unaware of affordable housing option or financing options that would help them afford available housing. Many elderly in Upton live in large houses and are looking to downsize. Often, however, they would like to keep the home in the family. While some have considered using reverse mortgage products, it is not suitable for all situations. Many are leery of using such financial arrangements. Most elderly would like to age in place, though downsizing is considered more and more. Many large homes are owned by seniors on limited or fixed income and are in need of basic home repairs such as roof replacement or maintenance that get postponed for lack of available funds.

There are no assisted living facilities in Upton, though many of the surrounding towns do have a facility (Hopedale and Northbridge). Lack of some nearby services and shopping areas, might be a challenge to aging in place; for example, Upton does not have a grocery store.

**E. CURRENT DEVELOPMENT FRAMEWORK**

**1. ZONING**

The Upton Zoning Bylaws delineates the following zoning districts as shown in the attached map and as depicted in the table below. The Zoning map was last revised in June 2008.

**Table 4 - Upton Zoning Districts**

Zoning District		Minimum Area (square feet)	Area	Percentage
Single Residential A	SRA	15,000	503.88	3.61%
Single Residential B	SRB	25,000	401.09	2.87%
Single Residential C	SRC	40,000	1,172.42	8.39%
Single Residential D	SRD	60,000	645.92	4.62%
Agricultural Residential	AR	80,000	10,205.61	73.04%
General Business	GB	Based on adjacent district	315.09	2.25%
Commercial & Industrial	C&I	Based on adjacent district	716.99	5.13%
Municipal Government Facilities	MGF	5 acres	12.17	0.09%

In addition to these eight (8) zoning districts, the zoning also sets out a Flood Plain Overlay District. The uses permitted in the existing zoning districts are also allowed in the overlay Flood Plain District

provided that they meet the additional following requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Upton Flood Insurance Rate Maps, dated August 2, 1982 and a map entitled "Zoning of Upton Massachusetts", dated 1978 showing the flood plain district on file with the Town Clerk, Planning Board and Building Inspector. At its June 2011 Annual Town Meeting, the Town voted to amend the zoning by-laws to update the regulations for a flood plain district to allow residents to continue to participate where applicable in the national flood insurance program.

## 2. HOUSING RELATED ZONING BYLAWS

*Planned Village Development (6.4)* - A Planned Village Development may only be permitted by a special permit in a Commercial & Industrial District. The intent of this Planned Village Development Bylaw is to permit greater flexibility and more creative and imaginative design for the development of municipal, commercial, retail, general business, and residential mixed-use areas than is generally possible under conventional zoning provisions. It is further intended to promote a vibrant, compact, pedestrian friendly development with the virtues of a traditional New England village, but with modern amenities and services, enabling residents of diverse income levels and ages to live, work, or retire in a well-planned built and natural environment. In addition, the Town may use this bylaw to promote unmet housing needs, including affordable housing and handicap barrier free housing.

*Scheduled Development in Approved Subdivisions (Planned Growth) (7.1)* - The objective of this Section is to relate the timing of residential development to the Town's ability to provide services to such subdivision development, and thereby to promote the health, safety, convenience and welfare to the inhabitants of the Town, by regulating the maximum rate at which individual developments may proceed. This Section shall take effect only when and if the Building Inspector determines that 44 dwelling units, including units in multi-family complexes have been authorized Town wide within a twenty-four (24) month period.

### *Townhouse and Garden Apartments (7.2)*

This bylaw establishes criteria for townhouse and garden apartment developments in the Town of Upton. These units will be permitted in SRA and SRB districts. There are no provisions related to affordability of these units. Units may be ownership or rentals.



*Open Space Residential Development (7.3)* - The primary objectives of this bylaw are:

- 1) To permit greater flexibility and more creative and imaginative design for residential development than is generally possible under conventional zoning;

- 2) To encourage the permanent preservation and protection of open space, agricultural land, forestry land, wildlife habitat, geological features, and other natural resources including aquifers, water-bodies, and wetlands in a manner that is consistent with the Upton Master Plan and the Upton Open Space & Recreation Plan;
- 3) To encourage a less sprawling and more efficient form of development that consumes less open space land and conforms to existing topography and natural features better than a conventional or grid subdivision;
- 4) To minimize the total amount of disturbance on the site;
- 5) To further the goals of the Upton Master Plan and the Upton Open Space & Recreation Plan;
- 6) To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner;
- 7) To encourage preservation of stone walls and other historic structures and historic landscapes.

The secondary objectives of Open Space Residential Development are:

- 1) To preserve and enhance the community's village character;
- 2) To protect community water supplies;
- 3) To promote unmet housing needs, including affordable housing and handicap barrier free housing;
- 4) To enhance recreational opportunities appropriate and accessible to all Upton residents;
- 5) To promote energy conservation and energy independence.

Unmet Housing Needs.

The Planning Board may allow an increase in the number of dwelling units beyond the Basic Maximum Number to further the goals of this bylaw and satisfy unmet housing needs. The increase shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. A density bonus may be awarded as follows:

- a. For every two dwelling units restricted in perpetuity to occupancy by Moderate-Income Households (as determined by the United States Department of Housing and Urban Development for the Standard Metropolitan Statistical Area that includes the Town of Upton), one market rate dwelling unit may be added to the Basic Maximum Number. Such affordable housing units may be used toward density bonuses only if they can be counted toward the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count toward the community's affordable housing inventory to the satisfaction of the Planning Board.
- b. The Planning Board may accept the off-site location of affordable and architectural barrier free housing for the purpose of satisfying the above requirement.

Increase in Permissible Density.

- a. For every historic structure preserved and subject to a historic preservation restriction, one dwelling unit may be added to the Basic Maximum Number.
- b. For each additional ten percent (10%) of the site area over and above the required 50% set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded, if the Planning Board determines such additional set aside would further the objectives of this By-Law. The additional open space shall be at least 65 percent (65%) upland.

Only tracts located in an Agricultural-Residential, SRB, SRC, or SRD District shall be eligible for consideration as an Open Space Residential Development.

*Senior Housing Community Bylaw (7.4)* - The purpose of the Senior Housing Community Bylaw is to encourage development that provides alternative housing choices for people that are fifty-five years of age or older. It is the intent of this Bylaw to enhance and preserve the rural village character of Upton, to protect open space, to preserve our natural resources and to promote efficient use of the land and infrastructure. Senior Housing Community will be allowed under single ownership or as condominiums by special permit in any of the town's residential districts.

The SPGA may approve density bonuses pursuant to one or more of the following provisions, provided, however, that in no case shall the density bonus be greater than a 15% increase in the number of bedrooms permitted in the applicable senior housing community.

1) Affordable Option. A density bonus may be permitted when the proposed community provides affordable housing opportunities consistent with the Upton Local Housing Partnership Policy Plan. For each affordable housing unit provided under this section, four additional bedrooms may be permitted subject to the 15% limitation expressed in Section 7.4.9. Affordable units shall be developed concurrently with the market rate units in the development. The affordable units must be subject to use restrictions of a substantial duration to ensure that the units remain available exclusively to persons with qualifying income. The SPGA may accept the off-site location of affordable housing, recreational space, or open space for the purpose of satisfying the optional incentive provisions.

*Large Lot Frontage Reduction Bylaw (7.5)* - The intent of this large lot frontage reduction is to permit greater flexibility and more creative and imaginative design for the development of residential areas than is generally possible under conventional zoning provisions. It is further intended to promote more economical and efficient use of the land, while preserving the natural environment and scenic qualities of open space which otherwise might be lost.

*Accessory Apartment Bylaw (7.6)* - It is the purpose of this Bylaw to provide small additional dwelling units specifically intended for property owner family members, family au pair providers or family health care providers without adding to the number of buildings in the Town. These units will be allowed only by Special permit from Board of Appeal. Units will be limited to 1,000 sf and no more than 2 bedrooms. The special permit is limited to 5 years with possible renewal. There are no provisions related to

affordability of these units. The LCHPC understands that there are very limited uses of accessory apartments that would yield affordable housing units, that as accessory apartments as affordable units are not feasible, and conflicts with current bylaws. According to LCHPC, the City of Newton tried to adapt an accessory apartment bylaw that would produce affordable accessory housing units and they were met with poor results.

Multi-family residences are not allowed by right. However, they are allowed by special permit as an accessory unit, a garden apartment or town house or part of a larger development plan. As suggested in the recommendation of the Master Plan. The town should relax the Special Permit criteria to encourage more multi-family dwellings in the Residential A district where town water and sewer are supplied.

Single family units may be converted to two family dwellings only with approval from the Board of Appeals.

### 3. LOCAL CAPACITY

#### a) MUNICIPAL

The Town of Upton is managed by a three person Board of Selectmen with a Town Manager.

The Planning Board has five members elected for terms of 5 years each. As in most towns, the function of the Planning Board is to make careful studies of resources, possibilities and needs of the town and to make plans for the development of the town. The Board shall have the authority to make comprehensive or master plan, setting forth in graphic and textual form policies to govern the future growth and development of the town. The Board shall have the authority to regulate the subdivision of land within the Town by adoption of rules and regulations. The Board shall have the authority to grant special permits for all uses as designated in the zoning by-laws. (Chapter 21, Upton Bylaws)



The Zoning Board of Appeals consists of 3 members and 2 alternates appointed by the Board of Selectmen. The Zoning Board, unless otherwise specified in the Zoning Bylaw, is the special permit granting authority (SPGA). The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

1. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority.
2. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10.

3. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.
4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

The Upton Master Plan Sub-Committee, consisting of five members, championed the adoption of the Town's Master Plan in March 2005. The plan was completed with the assistance of Daylor Consulting Group, Inc. and Central Massachusetts Regional Planning Commission. This sub-committee has disbanded.

At the May 2007 Annual Town Meeting, the Local Community Housing Partnership Committee (LCHPC) was established by unanimous vote. The LCHPC Goals include the following:

1. The Local Community Housing Partnership Committee (LCHPC) shall ensure that adequate affordable housing is created in a way that enhances compliance with the affordable housing requirements of the Commonwealth of Massachusetts.
2. A LCHPC shall be appointed to study the needs and possibilities for affordable housing and to recommend procedures and projects for the implementation of Upton's affordable housing policy.
3. The LCHPC may also initiate action intended to create affordable residential housing units.

Its responsibilities include, among other tasks:

- Development of an affordable housing action plans based on housing needs studies.
- Establishment of criteria to evaluate affordable housing proposal consistent with Upton's master plan.
- Making recommendations on the pros and cons of particular housing proposals
- Identifying local, state and federal housing resources to further the development of affordable housing.
- Locating available land suitable for affordable housing
- Working with developers to create affordable housing
- Consulting with Board of Selectmen, Planning Board, Conservation Commission, Community Preservation Committee, Zoning Board of Appeals and other appropriate town boards committees or agencies as needed.
- Increasing public awareness through forums and other public events.

*IMPORTANT NOTE: At the May 10, 2012 Annual Town Meeting the Town of Upton voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Upton Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Upton for the benefit of low and moderate income households. At the same Annual Town Meeting, the Town voted to disband the LCHPC. References to the LCHPC's future responsibilities will now be those of the newly formed Affordable Housing Trust.*



With the passage of the Community Preservation Act (CPA) by Upton voters in May 2003, the Town of Upton established the Community Preservation Committee. The Committee has representatives from the Housing Authority, the Open Space Committee, the Historical Commission, the Planning Board, the Conservation Committee, the Recreation Committee, and three Selectmen's appointees. Passage of the CPA established a new fund

created for public investment in open space, historic preservation, affordable housing and recreation. The Community Preservation Act is a state law which allows cities and towns to establish a property tax surcharge which, along with a state match, funnels money into a locally controlled Community Preservation Fund. State law stipulates that at least 30 percent of Community Preservation funds be used on projects that protect open space (10%), preserve historic resources (10%) and provide affordable housing (10%). The remaining funds can be spent on any of these purposes as well as to create or enhance outdoor recreation facilities. Up to 5 percent of the fund can be used for administrative purposes. The property tax surcharge, which is already being collected, is projected to generate approximately \$250,000 a year. The state hopefully will match that amount in October of each year. (Massachusetts General Law – CPA Act- <http://www.mass.gov/legis/laws/mgl/gl-44b-toc.htm>)

Funds from the statewide CPA Trust Fund were distributed to CPA communities at the match rate of 100% in each of the first six years of the program, from 2002 until 2007. Each distribution represented a 100% match of what communities raised through their local CPA surcharge during the previous fiscal year.

In 2008, the number of communities receiving matching funds reached 127. Due to the popularity of the program, the matching funds distribution in October 2008 used, for the first time, the first and second round formula outlined in Section 10 of the CPA legislation. The percentage match varied by community, with the statewide average being a 73.73% match to the local surcharge revenue.

In October 2009, 135 communities received a match, and for the first time, the Commissioner of Revenue implemented the discretionary third round match, in addition to the first and second round matches, outlined in Section 10 of the CPA statute. Again, the percentage match received varied by community, with the statewide average being 40.39% of local surcharge revenue collected.

The Town of Upton has received \$1,337,199 since its passage of Community Preservation Act in 2003. To date, CPA funds for Community Housing have only been expended to help establish the LCHPC. The minimum amount currently available for Community Housing projects is \$133,719 or 10% of the total.

**Table 5 - Community Preservation Revenues**

Year	Total Match	Percentage of Surcharge Revenues Matched
2004	\$177,832	100%
2005	\$223,744	100%
2006	\$241,693	100%
2007	\$251,203	100%
2008	\$275,221	99.80%
2009	\$167,506	60.8%
2010	\$140,278	
2011	\$137,947	45.1%
	<b>\$1,615,424</b>	

The Upton Housing Authority, consisting of five members, administers two State Subsidized programs – the Massachusetts Rental Voucher Program (MRVP) and Program 667. The MRVP includes 7 family/elderly units at the Upton Inn. As of April 1, 2009, Eligibility /Income limits for a one member household is \$21,660, for a two member household \$29,140, three member household, \$36,620 and for a four member household \$44,100. Program 667 includes 40 subsidized elderly/disabled units at the Coach Road Apartment Complex. The minimum age limit is 60 years old. For a one person household the net income limit is \$46,300 and for a two person household is \$52,950. There is a waiting list for both programs. Upton residents are given priority when possible. (Town of Upton, 2010)



b) NON-PROFIT AGENCIES

There are no not-for-profit housing development agencies/corporations active in Upton. RCAP Solutions ([www.rcapsolutions.org](http://www.rcapsolutions.org)) based in Gardner is the Section 8 provider for Worcester County. South Middlesex Opportunities Council (SMOC) Housing Corporation (<http://www.smoc.org/index.asp?pgid=36>) has done several affordable housing developments throughout Metrowest, Central and Western Regions of Massachusetts, but has no development projects in Upton. Habitat for Humanity – Metrowest/Greater Worcester has no projects in Upton, but has indicated a desire to discuss possible projects in Town.

4. Local Growth and Development Patterns

Beginning in 1999, the Central Massachusetts Regional Planning Commission (CMRPC) conducted a build-out study of Upton. The following table summarized the results of that study.

**Table 6 - Summary of Build out Statistics (New Development And Associated Impacts)**

Developable Land (square feet)	30,979,872
Developable Land (acres)	7,112
Total Residential Lots	2,713
Total Residential Units	2,713
Commercial/Industrial Buildable Floor Area (square feet)	4,227,962
Residential Water Use (gallons per day) <sup>5</sup>	502,639
Comm./Ind. Water Use (gallons per day) <sup>6</sup>	317,097
Municipal Solid Waste (tons) <sup>7</sup>	4,041
Non-Recycled Solid Waste (tons) <sup>8</sup>	2,446
New Residents <sup>9</sup>	6,701
New Students <sup>10</sup>	1,547
New Residential Subdivision Roads (miles) <sup>11</sup>	66.3

(CMRPC Upton Build-out Analysis, 2001)

Note the town has already exceeded the number of residential units projected at build out.

<sup>5</sup> "Residential Water Use" is based on 75 gallons per day per person.

<sup>6</sup> "Commercial/Industrial Water Use" is based on 75 gallons per 1,000 square feet of floor space.

<sup>7</sup> "Municipal Solid Waste" is based on 1,206 lbs per person per year. All waste estimates are for residential uses only.

<sup>8</sup> "Non-Recycled Solid Waste" is a subset of Municipal Solid Waste and is based on 730 lbs per person per year ending up in a landfill or incinerator.

<sup>9</sup> The number of "Residents" at build-out is based on the persons per household figure derived from the 1990 US Census.

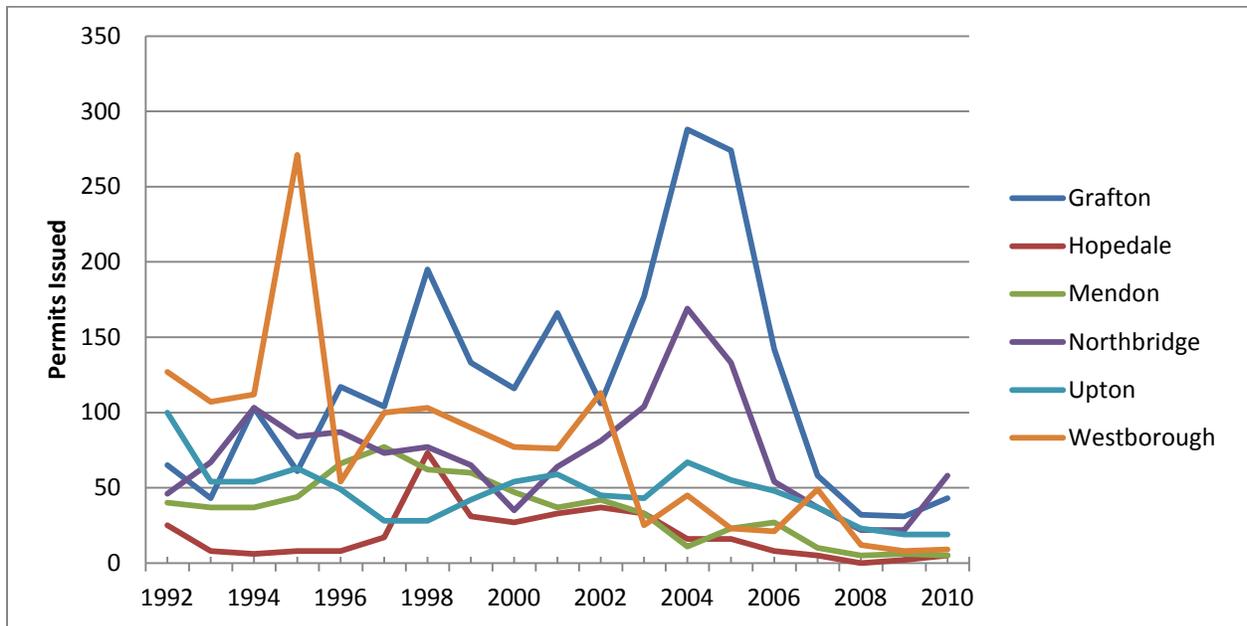
<sup>10</sup> The number of "Students" at build-out is based on a student per household ratio taken from 1990 US Census data.

<sup>11</sup> "New Residential Subdivision Roads" are based on the assumption that 60% of the new residential lots will have required frontage on new subdivision roads.

## Recent Development

Building permit data for new residential construction in Upton and surrounding communities between 1992 and 2010 is shown on the following graph.

**Figure 6 - Building Permits for New Construction Housing Units in Upton and Surrounding Communities, 1992-2010**



(CMRPC, 2011)

As a indication of the type and pace of development between 1990 and 2008, the following subdivisions were approved and/or built

- Warren Ridge
- Countryside I
- Victoria Estates
- Centerbrook
- Countryside II
- The Village
- Riverbend Estates
- Goss Pond
- Taft Mill Estates
- Brookside Farms – 33 lots
- Country Club Estates – 29 lots
- The Preserve at Lake Wildwood - 27 lots
- Millhaus (affordable)
- Upton Inn (affordable)
- Samreen Villa I (52 townhouse units (10% affordable))
- Samreen Villa II (8 townhouse units (10% affordable))

Information taken from the annual town reports show that building permits between 2004 and 2009 were limited to one-family units. The number of new home construction permits dropped steadily after the housing crash from 37 in 2007 to 23 in 2008 to 19 in 2009 and then 19 in 2010.



Glen Echo Estates and Kenneth Village were brought to completion resulting in 69 new units. Construction, however, has been or was delayed in proposed developments such as Governor's Landing, Cross Winds, Rockwood Meadows Senior Housing, Maple Avenue Planned Village Development, and Noble Vista (which includes affordable housing). Initial applications for these developments totaled 319 units of housing.

**Table 7 - Current Residential Development Pipeline Inventory**

Project	Lots/units	Location	Approvals	Status
Glen Echo Estates	61 lots	off North St	61complete Q4, 2009	Completed in 2010
Sylvan Springs	6 in Upton of a total 54 lots	off Northbridge Road in Mendon	Definitive Plan approved 11/2006, deadline extended 11/28/12	
Governor's Landing	59 lots	off of Milford St.	Denied by PB 2003 but was appealed by courts	No construction yet
Cross Winds	32 lots	between Plain and Station St.	Definitive Plan approved 09/2005, extension thru 12/2011	Site clearing began spring 2010.
Large Lot	3 lots	25 Brooks St.	Large Lot frontage special permit 12/15/09	Not Completed
Large Lot	2 lots (1 existing home)	142 North St.	Denied 12/15/2009	Appeal filed
Kenneth Village (Senior Housing Community)	8 units	off of Mendon St.	Approved 07/2005	Completed
North St. Estates (Large Lot Reduced Frontage)	2 units	North St.	Approved 07/01/06	Completed
Rockwood Meadows (Senior Housing Community)	62 units	off of East St.	approved 09/2006	no construction yet

Project	Lots/units	Location	Approvals	Status
237 North St. (Clifford)	2 lots	North St.	Large Lot frontage special permit 04/10/07	no construction yet
Pearl St. (Tamagni)	3 lots	Pearl St.	Large Lot frontage special permit 12/15/09	2 units compled
Davidson Family Trust	2 units	Off Fowler St.	Large Lot frontage special permit 05/03/11 denied,	Appeal filed.
Rooney Family Trust	1 unit	9 Christian Hill Rd.	Large Lot frontage special permit 05/10/11	
JR Estates	5 units	192 West River	Open Space Residential Special Permit approved 07/26/11	
51 South St.	2 lots	51 South St.	Large Lot frontage special permit 08/09/11	
Gail Harrington	1 unit	153 North St.	Large Lot frontage special permit 05/24/11	
Hunter and Wadsworth	1 unit	158 West River St.	Large Lot frontage special permit 08/09/11	
Maple Ave Planned Village Development	130 units	Maple Ave.	approved 06/2006, extension thru 06/2009	no construction yet
Noble Vista LIP project 25% affordable	160 reduced 120 units		In Housing Appeals Committee, resolved.	Pending market

Noble Vista is permitted as a 120 unit homeownership project on Hartford Avenue South near the Northbridge – Upton Town line. The Noble Vista project agreement has peer review. The developer of Noble Vista is trying to renegotiate conditions due to the change in market conditions. Once the Special Permit with conditions has been finalized it is possible the current developer will likely try and sell the Special Permit. As of February 2012, the ZBA approved Fifth Notice of Change for this project (which is the final change); 120 Condo Units of which 30 units (25%) will be affordable units. Originally this was to be an over 55 project but has been changed to no age restriction.

## 5. SUPPORTING INFRASTRUCTURE

An Infrastructure Map, that shows the location of sewer lines, water lines, water and, public transit routes and the street layout, is attached.

### a) WATER SUPPLY

The availability of ample high quality water is essential for the growth and development of any community. Upton's water distribution system consists of approximately 30 miles of water mains, one wellfield near Glen Avenue, one additional well near West River Street and two water storage facilities on Pearl Street and Pratt Hill. Some areas regularly experience pressures below 35 psi under normal operating circumstances (considered low). These areas include portions of the northern section of Upton, such as George Hill, and Upton State Forest, as well as areas near the Pearl Street and Pratt Hill Tanks. Between both the Pearl Street and Pratt Hill Tanks, the total storage capacity is approximately 1.07 million gallons.

In 1998, Tata and Howard calculated the adequacy of the water supply system through the year 2020. In 1998, only 61 percent of the town's population was serviced by the water distribution system. Trends indicated that as Upton adds new development, 85 percent of the town will be connected to the distribution system by 2020. On average, residential use accounted for 72% of water supplied, municipal/commercial use at 8%, and 20% was unaccounted for.

For a system to be adequate, it must be able to meet the demands of peak consumption periods and provide flows at sufficient pressure for fire protection. The study concluded that the town's distribution system can adequately meet the estimated fire flow requirements while maintaining minimum pressure requirements in a majority of the distribution system.

Upton is considered a small system, with fewer than 3,300 customers. The combined usable storage between the two storage tanks exceeds the minimum necessary requirement for water storage.

In order for Upton to meet maximum day demands, both the Glen Avenue Wellfield and West River Street Well must pump continuously for 24 hours a day. This does not allow any time for the aquifer to recharge, which results in over pumping of the wells and air drawn into the system. The town holds a Water Management Act Permit (WMA) for their existing supply. The town has adequate permitted withdrawal volume and pumping capacity to meet their current demands. However, historically, the town has used the available water in the storage tanks to meet demands. This practice is not encouraged, since the storage facilities are primarily intended for fire flows, peak fluctuations, and emergencies. By the year 2020, the maximum day demand is estimated at 1.48 million gallons per day (mgd), which will create a deficit of 0.79 mgd in the town's supply.

Based on the analysis of Upton's water distribution system, Tata and Howard outlined a number of actionable strategies to mitigate issues with future demand. The short-term issues included expansion of the distribution system, mitigation of water leakage, and general maintenance. A 2004 Weston & Sampson report concurred with the general recommendations of the 1998 Tata and Howard report,

adding identifying new water sources as a major goal to accommodate new demand. The town should make a concerted effort to check and maintain the system so that larger problems are not further complicated. Since the 1998 study, the town has improved overall water efficiency and water quality by incorporating corrosion control facilities at both supply sources, recalibrated an over-registering source meter and enacted water conservation methods.



The major issue for future consideration is the lack of supply to meet future demand. New source development will be necessary, since by the year 2020 the current infrastructure and facilities will not be adequate to meet the town's needs. In 1999, the town initiated a study to identify potential public water supply source; this program is ongoing.

Furthermore, the town's infrastructure suffers from frequent breaks and should be updated to maintain seamless operations. The town has implemented a water main replacement to repair in response to suggestions by both the Tata & Howard and Weston & Sampson reports. (Tata and Howard, 1998) (Town of Upton Master Plan Sub-Committee, 2004) (Weston and Sampson Engineering, 2004)

#### b) SEWERS

The Upton Sewer System is managed by the Upton Department of Public Works. Upton's wastewater collection infrastructure contains approximately 44,000 linear feet of gravity sewers, two pumping stations and force mains; it serves the West Upton and Upton Center areas of town. The system originally was built in the 1870s for the Knowlton Hat factory, buildings and surrounding homes. The

system transports an average of 200,000 gallons per day (gpd) of wastewater to the treatment plant. That flow rate can increase to over 300,000 gpd in the spring.

In March 1997, Metcalf and Eddy prepared a *Sewer System Evaluation Study* for the Town of Upton that detailed an analysis of the town's wastewater system. This report built upon information provided in the February 1996 *Upton Wastewater Treatment Facility Evaluation Study*, also prepared by Metcalf and Eddy. The report outlined existing sewer system conditions and projected future needs as well as the ability of the wastewater infrastructure to meet these demands.



The 1996 study determined that the average wastewater flows in Upton were approximately 200,000 gpd. The majority of the flows consisted of domestic sewage, with the remaining flow composed of institutional and commercial wastewater as well as groundwater infiltration and inflow. The wastewater treatment plant's general operations are efficient, with the only reported problems occurring during daily peak flow and wet weather peak flow periods when the solids will carry over from the secondary

settling tanks. The plant was also unable to meet NPDES effluent discharge limitations for ammonia, phosphorus, copper, lead, and zinc. Modifications to the wastewater treatment facility will be imminently necessary. The town has received an Administrative Consent Order (ACO) from the EPA requiring modifications to meet the NPDES requirements and money was budgeted at a Special Town Meeting to evaluate mitigation measures regarding the ACO requirement. Continued violation of the NPDES discharge regulation creates an unnecessary financial burden on the town. Two moratoriums on new sewer system connections were put into effect in order to complete improvements to the treatment plant, with the exception of the new high school that was connected in 1997.

The 1997 Metcalf and Eddy report outlined a number of strategies and improvements to the Upton wastewater system that could reduce inflow and infiltration while maintaining the overall quality of the system. Recommendations related to the following areas were based on the feasibility of upgrading the system with available technologies.

- Manhole Rehabilitation
- Sewer Rehabilitation
- Private Source Connection Removal
- Annual Sewer Inspection Program.

Recent changes in regulations governing the disposal of residential wastewater (Title V), MS4 permit requirements and the geologic conditions in town will continue to increase pressure for additional connections to the wastewater collection and treatment system. Thus the town must anticipate and prepare for future growth. Private connections to the wastewater system have proved to be an issue.

This unanticipated flow takes-up valuable capacity and is impossible to monitor properly. The situation will only worsen as the system progresses toward capacity. As the town pursues the land use recommendations found within the Master Plan and this Housing Production Plan, it will be critical for the wastewater replacement and improvement plans to keep pace with significant land use changes. The land use and zoning strategies need to be integrated with a comprehensive wastewater solution. (Metcalf and Eddy, 1996) (Metcalf and Eddy, 1997) (Town of Upton Master Plan Sub-Committee, 2004)

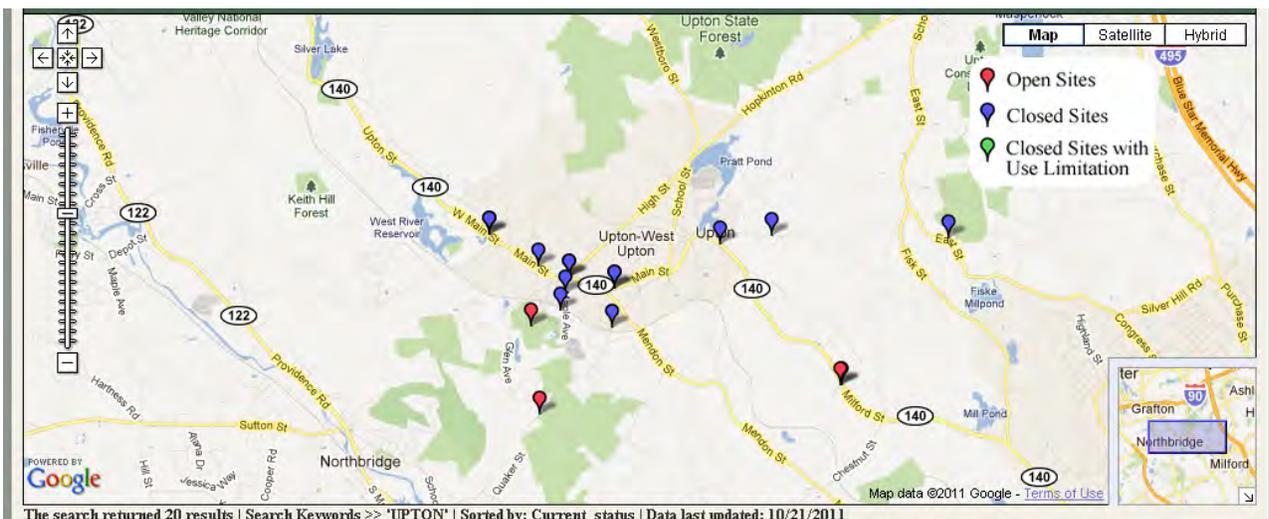
c) PUBLIC TRANSPORTATION

No passenger rail or bus service exists in the Town of Upton. Upton’s primary link to the interstate highway system is Hopkinton Street, which has become a major thoroughway to I-495 for both Upton and other towns in the Blackstone River Valley. Driving northeast on Hopkinton Street for ten minutes provides a link to I-495, which in turn provides a link to the Massachusetts Turnpike(I-90) just a ten-minute drive north. However, this ready access to I-495 has created a significant traffic issue in town, making this trip take much longer than it normally should. A section of the Mass Pike does extend across north Upton, but there is no direct access to the Pike in Upton. In terms of the State highway system, Route 140 extends in a west-to-east direction through the center of Town. (OSRP)

d) ENVIRONMENTAL CONCERNS OR LAND CONSTRAINTS

The Town of Upton has 20 reportable releases, (several of these at the same address), listed by the Massachusetts Department of Environmental Protection (DEP). Notable on this list is the Town of Upton Landfill on Maple Avenue. Other releases include several auto-related land uses, a couple roadway releases, Massachusetts Highway Department facility, a construction company, a coffee company, the regional high school. Only three of these sites are currently “Open” under action – a residence, site on Walker Dr., and the Upton Landfill. The map below shows the locations of these sites. (Massachusetts Department of Environmental Protection, 2011)

Figure 7 - Upton Reportable Releases, October 2011



The 2000 Build out analysis (discussed earlier) reviewed each zoning district and ascertained the amount of land that was not constrained. For each zone the amount of land that is not considered developable because of its slope, existence of wetlands or proximity to protected river front were subtracted from the overall zone acreage. Significant acreage in Upton is also not available for development because it is protected open space such as the Upton State Forest or town conservation land.

**Table 8 - Unconstrained land by zoning district**

Zone	Unconstrained land area
General Business	78 acres
Commercial and Industrial	275 acres
Single Residential - A	73 acres
Single Residential - B	97 acres
Single Residential - C	235 acres
Single Residential - D	78 acres
Agricultural Residential	3,139 acres
Total Unconstrained land	3,975 acres

Upton’s land use as summarized by UMass from aerial photography in 2005 (the most recent survey) includes the following:

**Table 9 - 2005 Land Use in Upton**

Land Use	Acreage
Brushland/Successional	18.68
Cemetery	32.07
Commercial	60.35
Cropland	222.89
Forest	9,208.59
Forested Wetland	665.79
Golf Course	0.46
High Density Residential	17.42
Industrial	34.79
Junkyard	3.88
Low Density Residential	1,727.62
Medium Density Residential	8.54
Mining	72.89
Multi-Family Residential	52.64
Non-Forested Wetland	353.65

Land Use	Acreage
Nursery	4.36
Open Land	133.32
Orchard	7.45
Participation Recreation	63.71
Pasture	125.15
Powerline/Utility	184.92
Transitional	22.15
Transportation	49.60
Urban Public/Institutional	39.15
Very Low Density Residential	718.47
Water	144.12
Water-Based Recreation	0.52
	<b>13,973.17</b>

There are several flood hazard areas in the town of Upton. The most significant is the West Hill Dam Flood Control Project, which is managed by the U.S. Army Corps of Engineers. The area is a dry bed flood control reservoir that includes over 600 acres of flowage easements in Upton along the West River and Center Brook. The land in Upton is subject to flooding when West Hill Dam in Uxbridge stores water to protect downstream communities from flooding. Other flood hazard areas are along the Mill River and Warren Brook. FEMA is currently updating flood zone maps in Upton.

One of largest wetland systems in Upton is located along the West River between Lower Hartford Avenue and Pleasant Street. This area encompasses Old Zachary Pond and includes approximately 80 acres of emergent, scrub-shrub, and forested wetland. (Town of Upton, 2010)

## IV. HOUSING ACTION PLAN

### A. HOUSING PRODUCTION GOALS

Upton's 2005 Master Plan described the following goals and objectives with regard to housing.

**Goal:** Preserve Upton's rural, small-town character and open space; ensure that housing development is slow, deliberate, and planned; and provide a diversity of housing affordability while maintaining a largely single-family character.

#### Objectives

1. Maintain the 80,000 square-foot lot size requirement that currently exists in Upton's Agricultural-Residential zone and do not reduce the size of this zone.
2. Coordinate housing development with municipal services.
3. Provide housing options that will allow residents to remain in town as they age and allow children of residents to establish families in Upton.
4. Encourage developers to incorporate open space designs into new housing projects.
5. Strengthen the review process for new development and enforcement of town bylaws and regulations.
6. Recommend enacting bylaws to ensure that future housing development maintains the town's compliance with the 10% affordable housing requirement.

Based on the 2010 housing unit count of 2,832, the town's annual production goal (0.5% per year) is 14 affordable housing units. Fourteen units per year will likely only occur through private development activity if the current housing market recovers substantially.

Chapter 40B allows communities with accepted housing production plans that produce 0.5% of its year round housing units over one year or 1.0% of its year round housing units over 2 years the ability to deny comprehensive permit applications over the time period when the plan is valid and the 0.5% or 1.0% production goal is being met. The Town of Upton's goal is to produce the 0.5% of its year round housing units over one year or 1.0% of its year round housing units over 2 years. An analysis of Upton's general land area minima indicates that it has not met the 1.5% general land area statutory minimum. [\(See Appendix – E\)](#). The Town's goal is to provide generally affordable and diverse housing, while minimizing the town's fiscal burden.

Using the strategies summarized under the Housing Action Plan, the Town of Upton has developed a Housing Production Program to chart affordable housing production activity over the next five (5) years as required by the state. The projected goals are presented in Table 32 - Plan Housing Production Goals. They are rough estimates at this time, and there is likely to be a great deal of fluidity in these estimates from year to year. Table 32 starts with the 2010 Census housing unit figure and based on a growth rate of 3% per year, predicts the 2012 and the 2017 estimated number of housing units. From there, given

the production of the 0.5% goal of additional SHI units each year, in 2017 the town would minimally have reached an 8.8% affordable housing goal. But more importantly, if the town continues to add the needed 14 units per year, along with an accepted housing production plan, the town would achieve certification status and the right to deny requests for a comprehensive permit.

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

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

**Table 10 - Plan Housing Production Goals**

	<b>2012</b>	<b>2017</b>
2010 Census Total occupied housing units	2,820	2,820
Total SHI	178	248 (estimated with a 0.5%/yearly increase)
SHI as a % of Total Housing Units	6.3%	8.8% proposed
Needed to achieve 10% of total	282-178=104	282-248=34 with 0.5 % annual increase
Needed in any given year to achieve 0.5% annual production goal	14	14

**B. PROPERTY INVENTORY**

In order to achieve the production necessary to achieve the town’s goals of 14 affordable housing units per year, a combination of public and private properties must be investigated. The following sections provide a review of properties that may be appropriate for development, some which may have tentative plans on the table.

## 1. PUBLIC PROPERTIES

The LCHPC reviewed the inventory of town owned parcels. After careful consideration of feasibility, the committee has found only one such property that might lend itself to further evaluation for affordable housing development. The property known as the George Rhodes property is 31 acres on Warren and Hartford Streets. The committee has submitted a request to the Board of Selectman that the parcel be considered as potential affordable housing. At the November 15, 2011 meeting of the Upton Board of Selectmen, the Board discussed that the Affordable Housing Partnership could put the Rhodes property in their plan. Selectmen Picard asked Ms. Robinson to send a letter to Joan Shanahan, Chair of the LCHPC, stating that the Board is in agreement with the applicant's option.

There is an advantage of leasing town land for rental units with an affordable component versus selling town land for property ownership with an affordable component. Renting will help diversify the housing market within the community. The subsidized housing inventory units are counted differently for rental developments. All of the rental units would count towards the towns SHI. The town does not need to be the landlord and could issue a Request for Proposal (RFP) indicating guidelines that would establish desired density and quantity and type of units. Management could also be contracted to a third party.

The LCHPC reported that the town is not inclined to follow through on back taxes, because most of the time the arrears do not rise to a level where it is cost effective to follow through on the required legal process. Often the owner will come in at the last minute and pay the bill, negating the efforts. Also, many of the lots are often small and built so would be inappropriate for new housing development. On a yearly basis, the LCHPC should review the list of properties with back taxes on the off chance that something may warrant further investigation.





## 2. PRIVATE PROPERTIES

The LCHPC has developed the following criteria for areas and/or properties where they wish to encourage the development of affordable housing either as a comprehensive permit application or as part of another development proposal.

- Rehabilitation of existing units is preferred over new development
- Development of previously developed sites is preferred over previously undeveloped sites.
- Development or creation of new affordable units should be encouraged in the denser town center. New development should expand outward from the center and more developed areas of town. Development should occur closer to employment areas and to retail and resident services (stores, town services, parks, libraries, etc.) where available to minimize the need for driving.
- Development on previously undeveloped sites should maximize open space preservation consistent with the Upton Open Space and Recreation Plan. Development should avoid areas such as wetlands, flood plains, water resource protection areas.
- Development should require the least amount of additional water, sewer, or other public infrastructure.
- Development should allow the greatest degree of access to major transportation corridors and minimize the need to create new roadways.
- Development is preferred within a 2.5 mile radius from Town Center (Town Hall).
- Emergency services (Fire, Police, Ambulance) readily available.

The Mixed Used Overlay district is also an area of preferred development.

The LCHPC will regularly review town maps, and consult with developers and realtors to anticipate possible housing development opportunities and to encourage development in areas consistent with these criteria and to discourage development in areas at odds with these criteria.

The Noble Vista project agreement has peer review. The developer of Noble Vista is trying to renegotiate conditions due to the change in market conditions. Once the Special Permit with conditions has been finalized it is likely the current developer will try and sell the Special Permit.

Table 33 - Yearly Upton Housing Production Goals estimates the number of affordable housing units that might be produced each year with various types of housing development. As of the writing of this plan it is difficult to realistically project the completion of any units until the housing market and economy recovers. Therefore this table projects minimal housing development in the first two years and extends the horizon of housing production estimate out to seven (7) years.

### **Table 11 - Yearly Upton Housing Production Goals**

<b>Strategies by Year</b>	<b>Units &lt;80% AMI</b>	<b>Units &gt;80% AMI</b>	<b>Total Units</b>
<b>Year 1- 2012</b>			
Small scale rehabilitation projects	1	2	3
Private development	0	1	1
<b>Subtotal 2012</b>	<b>1</b>	<b>3</b>	<b>4</b>
<b>Year 2 - 2013</b>			
Small scale rehabilitation projects	1	2	3
Private development	3	10	13
Noble Vista	15	45	60
<b>Subtotal 2013</b>	<b>19</b>	<b>57</b>	<b>76</b>
<b>Year 3 -2014</b>			
Small scale rehabilitation projects	1	2	3
Private development	2	18	20
Noble Vista	15	45	60
<b>Subtotal 2014</b>	<b>18</b>	<b>65</b>	<b>83</b>
<b>Year 4 – 2015</b>			
Small scale rehabilitation projects	1	2	3
Private development	2	16	18
<b>Subtotal 2015</b>	<b>3</b>	<b>18</b>	<b>21</b>
<b>Year 5 - 2016</b>			
Small scale rehabilitation projects	1	2	3
Private development	4	32	36
<b>Subtotal 2016</b>	<b>5</b>	<b>34</b>	<b>39</b>
<b>Year 6 – 2017</b>			
Small scale rehabilitation projects	1	2	3
Private development	4	32	36
<b>Subtotal 2017</b>	<b>5</b>	<b>34</b>	<b>39</b>
<b>Year 7 – 2018</b>			
Small scale rehabilitation projects	1	1	2
Private development	2	20	22
<b>Subtotal 2018</b>	<b>3</b>	<b>24</b>	<b>27</b>
<b>Total</b>	<b>54</b>	<b>235</b>	<b>289</b>

## V. HOUSING STRATEGIES

The strategies outlined below are based on previous plans (including the 2005 Master Plan), reports, studies, a recent survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning and Planning Reforms, Housing Production, and Housing Preservation. Each strategy is prioritized. As such the Plan starts with organizational issues, moves to regulation, identifies key production strategies to guide new development, and then finally looks at how to preserve the housing in place. Priority A actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority B strategies involve focused attention in years three through five. These actions may be initiated sooner, but may take longer to complete. A summary of these Housing Actions is included in the table below.

Given the realities of the housing market and the limited resources, the LCHPC<sup>12</sup> felt that their efforts would be either of the two (2) strategies alternatives or possibly a combination of the two (2) strategies going forward.

1. A semi passive strategy where the town works to hold on to existing affordable housing inventory. The Town has already worked to incorporate language requiring that new affordable housing units be deed restricted “in perpetuity”, rather than for the lesser time period. Currently many of the Upton SHI units could lose the affordable status. The balance of the SHI would be filled by developers in the future. Maintaining the current SHI could be handled by the LCHPC at modest financial cost to the town.
2. A passive strategy where the town takes little or no action. The cost to the town would be minimal and the only addition to the SHI would come from developers.

The strategies below also reflect the recent changes to state Housing Production requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:<sup>13</sup>

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
  - Review and modify bylaws as necessary to promote housing production;

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<sup>12</sup> *IMPORTANT NOTE: At the May 10, 2012 Annual Town Meeting the Town of Upton voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Upton Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Upton for the benefit of low and moderate income households. At the same Annual Town Meeting, the Town voted to disband the LCHPC. References to the LCHPC's future responsibilities will now be those of the newly formed Affordable Housing Trust.*

<sup>13</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

- Promote greater diversity of housing types;
- Promote mixed-use development;
- *Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects;*
  - Partner with developers to produce affordable housing units;
  - See “friendly” 40B projects in production goals.
- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
  - Promote accessory apartments;
  - Promote greater diversity of housing types;
  - Develop the town’s Comprehensive Permit Policy;
  - Promote mixed-use development;
  - Encourage infill development, cluster development, and adaptive reuse.
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
  - Partner with developers to produce new affordable housing units.
- *Participation in regional collaborations addressing housing development*
  - Work with adjacent towns to explore regional best practices and build capacity.
  - Help qualifying home buyers and homeowners access housing assistance resources.

It will be important to also insure that affordable units produced through this Plan are counted as part of the Subsidized Housing Inventory (SHI) by the state’s Department of Housing and Community Development (DHCD), to the greatest extent possible.

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

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

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

If another state or federal housing subsidy is used then a request for acceptance by the DHCD Local Initiative Program (LIP) should be sought. In addition to being used for “friendly” 40B projects, LIP can

be used for counting those affordable units as part of a town's Subsidized Housing Inventory that are being developed through some local action including:

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

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

- Meet with the developer to discuss requirements for insuring that the unit(s) meets the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Contact DHCD to discuss the project and determine affordable purchase prices or rents.
- Identify a marketing agent to prepare the Affirmative Fair Housing Marketing Plan, conduct outreach and coordinate the lottery.
- Execute a regulatory agreement to further insure long-term affordability between the developer, municipality and DHCD.
- Prepare a LIP Local Action Units application submitted by the municipality (chief elected official) that includes an Affirmative Fair Housing Marketing Plan.
- Obtain state approval of the Affirmative Marketing Plan and LAU application and implement the Marketing Plan.
- Hold at least one information session about the lottery.
- Approve applicants for eligibility in the lottery.
- Prepare a letter to those eligible for inclusion in the lottery and another to those who do not qualify.
- Conduct the lottery.<sup>14</sup>
- Work with winning applicants and lenders to secure mortgage commitments for homeownership projects.
- Work with winning applicants and the developers to sign leases and occupy their units for rentals.
- Obtain the deed rider and Resale Price Certificate from DHCD that requires the mortgage commitment letters, purchase and sale agreements, and contact info for the closing attorneys for homeownership projects.
- Work with lenders and the developer to close on the units for homeownership.

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<sup>14</sup> Up to 70% of the affordable units in most developments may potentially be reserved for those who have a connection to the community, "community preference units", including current residents and employees of the municipality or local businesses if the community can demonstrate that such preference is consistent with local need and will not have a discriminatory effect.

- Submit necessary documentation to DHCD to have the unit counted as part of the Subsidized Housing Inventory.
- Annually recertify the continued eligibility of affordable units.
- Prepare a Ready Buyers List or Ready Renters List, approved by DHCD, for any resales or upon tenant turnover.

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

It should be noted however, that while a major goal of this Plan is to eventually meet the state’s 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of accessory apartments or even workforce housing for those earning between 80% and 120% of area median income).

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

#### 1. BUILD LOCAL CAPACITY TO PROMOTE AFFORDABLE HOUSING

In order to carry out the strategies included in this Housing Production Plan and meet production goals, it will be important for the Town of Upton to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, further developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production. It should be mentioned that Upton is fortunate to have a number of local entities in place, which have provided important leadership and expertise in the area of affordable housing. Specific actions to help build local capacity to meet Upton’s housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda that ultimately will result in new unit production.

##### a) CONDUCT ONGOING COMMUNITY OUTREACH

- One of the challenges is community perception of affordable housing. As is the case in many Metrowest communities, concerns over the integration of affordable housing into the overall fabric of the community exist. Many affordable housing projects consist of rental housing. *Forums on specific new initiatives.* As the town develops new housing initiatives, the sponsoring

entity should hold community meetings to insure a broad and transparent presentation on these efforts to other local leaders and residents, providing important information on what are being proposed and opportunities for feedback before local approvals are requested.

- *Annual housing summits.* Most communities lack an effective mechanism for promoting regular communication among relevant town boards and committees on issues related to affordable housing. Having a forum to share information on current housing issues would help foster greater communication and coordination among municipal entities involved in housing-related matters. Additionally, inviting community residents can help build community interest, improve communication and garner support. Many communities are sponsoring such events, at least on an annual basis. For example, Stow organized a panel discussion on housing issues, inviting representatives of other towns and organizations in the area involved in affordable housing. Yarmouth held a spaghetti dinner and offered an update on their affordable housing initiatives with opportunities for feedback from local leaders and the public.
- *Public information on existing programs and services.* The town should get the word out about existing programs and services that support homeownership, property improvements, assistance to reduce the risk of foreclosure including first-time homebuyer and foreclosure prevention counseling. Dissemination of simple yet relevant information on community local access, in the local newspaper, or as municipal tax or water bill inserts can broaden community understanding of important resources.
- *Educational opportunities for board and committee members.* Local boards such as the Community Preservation Committee, LCHPC, Zoning Board of Appeals, Planning Board, Council on Aging, Upton Housing Authority as well as other interested local leaders should be able to receive ongoing training on affordable housing issues. Well advised and prepared board and committee members are likely to conduct town business in a more effective and efficient manner. New members without significant housing experience would benefit substantially from some training and orientation regarding their responsibilities. Moreover, requirements keep changing and local leaders must keep up-to-date. Funding for the professional development of staff and any designated housing professional, would also help keep key professionals informed and up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership (MHP) conducts at least annually the Massachusetts Housing Institute, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices". Other organizations and agencies, such as Central Massachusetts Regional Planning Commission (CMRPC), DHCD, Citizens Housing And Planning Association (CHAPA), and the Community Preservation Coalition, also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In

addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural “how to” booklet for local communities on the development process, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

*Timeframe:* Priority A

*Responsible Party:* LCHPC

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

b) SECURE PROFESSIONAL SUPPORT

While most of the strategies that are included in this Plan do not individually involve substantial amounts of staff time from town officials or donated time from board and committee members. However when considered altogether they require a significant time commitment and involve some specialized expertise in planning as well as housing programs, policy and development. The Town Manager, Code Enforcement Staff and Planning Board Administrative Clerk have limited capacity to take on additional work much less all of the staff related tasks included in this Plan.

Various municipalities have handled this need for professional support differently. For example, the Town of Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person for several years. Currently it splits this position between two consultants. Bedford has a consultant working part-time on overseeing its housing activities and at one time shared this consultant with the Town of Lincoln. Belmont is working with a non-profit development organization located in a nearby community to support its housing activities. Holliston is working with a consultant to implement key initiatives, and at some point in the future is likely to hire a housing professional on at least a part-time basis with CPA funds. The communities of West Boylston, Boylston, and Sterling, each town with no professional planner in house, are considering sharing the services of a housing specialist.

The LCHPC should present a proposal to the Community Preservation Committee for the funding of a professional staff person or consultant using Community Preservation funding, which ultimately will have to be approved by town meeting. This position could be filled at least initially on a part-time basis based on an agreed upon scope of services. This professional would be available to assist with public education (see strategy 1.a); the marketing, lotteries, and monitoring of affordable units; grant writing; outreach to establish partnerships with developers, lenders, funders, etc. to promote affordable housing; and overall coordination of the implementation of this Housing Plan, and providing necessary staff support as needed. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, etc.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen and the LCHPC in consultation with the Community Preservation Committee.

*Resources Required:* On-going funding for a community housing specialist or planner may be derived in part from CPC from the Town of Upton and/or from development impact fees. Fees will vary according to what strategies are undertaken and the scope of services or job description. For Upton, Community Preservation funds could cover the costs associated with this new position as long as all program activities are eligible under CPA. An annualized salary for a shared Community Housing Specialist would be within the \$60,000 to \$70,000.

c) ESTABLISH AND CAPITALIZE THE UPTON AFFORDABLE HOUSING TRUST  
FUND<sup>15</sup>

*(Important Note – This recommendation was discussed and action was taken during the development of this plan. The recommendation remains in the text to provide guidance on capitalizing the newly established trust. At the May 10, 2012 Annual Town Meeting the Town of Upton voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Upton Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Upton for the benefit of low and moderate income households. At the same Annual Town Meeting, the Town voted to disband the LCHPC.)*

The Town should establish and then pursue opportunities to capitalize an Affordable Housing Trust. This would enable the Town to competitively respond to market opportunities as they arise. The Massachusetts Housing Partnership (MHP) has published a guide for towns entitled “Municipal Affordable Housing Trust Guidebook: How to envision, shape, get support and succeed with your community’s local housing trust”. (Massachusetts Housing Partnership, 2009).

Additional funding could be raised from a number of resources. Some of these, though not possible in the current bylaws, would be possible if recommendations of this plan are enacted. The funding possibilities include the following:

- Payments in-lieu of units, if an inclusionary zoning bylaw were passed or if the option were otherwise added in the zoning bylaws or subdivision regulations;
- Negotiations with developers as part of impact fees;
- Private donations; and
- A regular commitment of each year’s CPA revenue to affordable housing, e.g., 10% to 25%, in order to fund local affordable housing initiatives.

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<sup>15</sup> At the May 10, 2012 Annual Town Meeting the Town of Upton voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Upton Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Upton for the benefit of low and moderate income households. At the same Annual Town Meeting, the Town voted to disband the LCHPC.

The Open Space Residential Development Bylaw might be revised to incorporate language that provides for fees in lieu of unit payments to the Affordable Housing Trust as an option.

For example, Scituate recently approved the transfer of \$700,000 currently reserved for housing in its Community Preservation Fund to their new Housing Trust Fund. This funding will provide a big boost to Scituate's efforts to begin investing in the implementation of their recently-approved Housing Production Plan. The Grafton Housing Trust receives 10% of the annual CPA allocation but is also encouraged to approach the CPC for additional CPA funding on special initiatives, and other municipalities have done the same. Harwich funnels payments from its cell tower lease to its Affordable Housing Fund and also sold a piece of property, the proceeds of which were dedicated to its Housing Fund.

This strategy takes precedence. The LCHPC is eager to bring this before Annual Town Meeting at the earliest possible opportunity. (Spring 2012). The LCHPC felt strongly that appointed members to the Trust, be encouraged, perhaps required to attend training on affordable housing development.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen and the LCHPC in consultation with the Community Preservation Committee.

*Resources Required:* Volunteer time to add language to bylaws to allow option for payments from developers to the Affordable Housing Trust. As much funding as can be raised to build the Trust's capacity to implement this Housing Plan.

d) DEVELOP AND ADOPT A COMPREHENSIVE PERMIT POLICY

The Town should consider adopting a Comprehensive Permit Policy based on ideas and contributions from the Town Zoning Board of Appeals, the Planning Board, the LCHPC, the Housing Authority and the Board of Selectmen. A Comprehensive Policy provides information to developers on the expectations of the Town with respect to comprehensive permit applications including desired outcomes, minimum performance standards and possible trade-offs that the Town might be willing to make in negotiations with developers.

Such a Policy can be a helpful tool for promoting greater cooperation between the town and private for profit and non-profit developers on affordable housing production while protecting the town from inappropriate development. Through such a Policy, the developer can anticipate greater predictability in what the town is willing to approve, and the town should be able to better obtain new affordable units that meet locally established development criteria that help it meet local needs and production goals. It can be helpful to integrate specific design criteria to also better guide new development and insure that such development is harmonious with the physical character of Upton.

The Policy should be developed to insure that it is in line with the housing needs, production goals and strategies included in this Housing Plan, the 2005 Master Plan as well as state guidelines. The Policy should be revisited regularly for consistency with the town's vision and goals. There are models of such Housing Guidelines or Comprehensive Permit Policies that can also be referred to and elements of such policies that might be adapted to Upton. The Towns of Holden, Acton, Grafton, Northborough have such policies in place. Most are available for review on each town's website.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen and the LCHPC in consultation with the Zoning Board of Appeals, and the Planning Board. It may be practical to form an Ad Hoc Task Force to develop the Policy including representatives from the Planning Board, Zoning Board of Appeals, LCHPC, Board of Health and Conservation Commission.

*Resources Required:* Volunteer time from various town boards and committees with potential support from the proposed professional staff person or a consultant, both eligible for CPA funding.

e) REGIONAL COLLABORATION

The Town of Upton has embraced regional collaboration in a variety of arenas. The town might pursue opportunities related to regional collaboration with regard to housing planning and production. The most logical first step is to consider networking and sharing information with neighboring towns on housing related matters. Another possibility might be to share the services of a professional planner or housing specialist with towns such as Mendon or Hopedale that are similar to Upton and have no professional planning staff.

The Town is not currently apart of any consortia. A Housing Consortium is a collaboration of local government entities, each with its own governance, elected leadership, and legal requirements. Consortia may be eligible to apply for and receive HUD's HOME funding for affordable housing. While subsidies and other funding sources may exist, the ability to obtain the funding is limited by the town's capacity to prepare the necessary project proposals and funding requests. (Office of Community Planning and Development, 2006)

Funding for predevelopment is difficult to obtain. CPA funds may be used to fund predevelopment activities that are intended to lead to affordable housing. A minimum of 10% of the Upton's CPA funds may be used on affordable housing activities.

*Timeframe:* Priority B

*Responsible Party:* Town Managers/Coordinators of the neighboring towns in consultation with the Upton LCHPC and the primary housing related board or committee in the others towns.

*Resources Required:* Volunteer time from various town administrators, boards and committees with potential support from CMRPC.

f) NEGOTIATE FEES FROM DEVELOPERS FOR PEER REVIEW ON COMPREHENSIVE PERMIT PROJECTS

Request that developers pay a reasonable fee to the town for peer review services when the Zoning Board of Appeals receives a comprehensive permit application. Peer review consultants retained by and reporting directly to the Zoning Board of Appeals will most likely be perceived as independent and neutral. This can be done directly in the 40B rules and regulations that the Town adopts. Negotiation is fine, but the state recognizes reasonable use of peer reviewers via accounts set up in compliance with MGL Chapter 44, Section 53G to employ outside consultants.

The town should always retain a qualified consultant to analyze the development plans. The purpose of Chapter 40B is to remove regulatory barriers to low- and moderate-income housing development. Developers may seek relief from local regulations that make affordable housing uneconomical to build, but they are not entitled to relief that exceeds what is required to make a project feasible. In turn, the town must be clear about its expectations for comprehensive permit developments. For example, it is almost always possible to reduce the density of a proposed development by increasing housing sale prices to the maximum that is theoretically affordable to a moderate-income household. However, if Upton wants to provide housing for a mix of incomes, increasing the sale price of homes in order to reduce density would seem to conflict with that goal. If lower density is more important than sale price and income targets, then a thorough professional and independent project review will help the Town negotiate successfully toward that end. In addition, an analysis by a qualified consultant will be crucial to Upton's credibility in a Housing Appeals Committee (HAC) proceeding.

The town should also retain a registered architect and landscape architect to review the proposed site plan and elevations. Design quality and compatibility will be crucial to the success of affordable housing endeavors in Upton. Emphasizing aesthetics and site planning principles is as important as controlling density.

In the past lack of transparency of financing has led to mixed reception of affordable housing development. The town should seek cost certification and peer review of developer financial statements on completion of each project.

While the town has done this in the past, it needs better guidance and established procedures to more effectively obtain peer review.

*Timeframe:* Priority A

*Responsible Party:* Zoning Board of Appeals

*Resources Required:* Donated time of members of the Zoning Board of Appeals.

g) COORDINATE THE TOWN'S AFFORDABLE HOUSING EFFORTS

The Town of Upton has a Housing Authority, a Housing Partnership, a Community Preservation Committee, in addition to the typical Town Planning and Zoning Boards that have obvious roles with regard to housing development. While each body has a role with regard to housing – big picture planning, specific planning, permitting, advising, funding, etc. - the roles and responsibilities should be clearly defined and understood by all involved. A regular round table or joint boards meeting could be facilitated to provide clarity with regard to these many roles. This is particularly important for a variety of reasons; developers should be clear who they should respond to and housing related information would have predetermined flow through town channels.

Greater coordination between housing related bodies will lend itself to more efficient and thorough reviews needed prior to the granting of variance, waivers, special permits, etc. To the greatest degree possible the permitting process, both for comprehensive permits (strategy 1.d) and other housing projects should be clearly established. In this way defined and coordinated roles, responsibilities and expectations for town officials and developers should be made for improved partnerships and better projects.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen

*Resources Required:* Donated time of members of the various committees

2. MAKE ZONING AND PLANNING REFORMS

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

The Town of Upton should consider the following planning, regulatory and zoning-related strategies to encourage the creation of additional affordable units. These actions can be considered as tools in a toolbox that the community will have available to promote new housing opportunities, each applied to particular circumstances and providing a powerful group of resources when available in combination.

Upton has enacted a number of progressive zoning bylaws that already promote a diversity of housing types including:

- Senior Housing Community Bylaw,
- Large Lot Frontage Reduction Bylaw,
- Planned Village Development Bylaw, and
- Open Space Residential Development Bylaw
- Townhouse and Garden Apartment Bylaw

a) PROMOTE GREATER DIVERSITY AND DENSITY OF PERMITTED HOUSING TYPES

In Massachusetts, a Smart Growth Toolkit was developed to assist planners in developing bylaws including those that promote and support affordable housing. [http://www.mass.gov/envir/smart\\_growth\\_toolkit/](http://www.mass.gov/envir/smart_growth_toolkit/) Allowed zoning conditions should be broadened to diversify housing options, including more types of housing in more areas, accompanied by design guidelines where appropriate. While market conditions have softened somewhat, housing prices remain high, particularly cost and prices related to new development. Offering density bonuses for affordable housing and allowing a wider range of housing types will result in public benefits associated with broader private development options and more opportunities for affordable units. Proposed changes to the current bylaw for short term consideration and possible further exploration include:

- Allow multi-family homes as-of-right in appropriate zoning districts, such as Upton town center. Allow single family to multi-family conversions in appropriate zoning districts. One option might be to facilitate single-family to multi-unit conversions for large residences built prior to 1990, such as allowing up to three (3) units by right, subject to a site plan and design review by the Planning Board and an affordable housing use restriction for at least one (1) unit and/or allowing up to four (4) units by special permit from the Planning Board, including site plan and design review, subject to an affordable housing use restriction for at least one (1) unit. Explore possible revision to the Accessory Apartment Bylaw (Section 7.6) to allow the use of accessory apartments for a greater diversity of occupants. These units probably exist, but are not regulated. Models bylaw exist that span the spectrum of oversight and regulation. The LCHPC identified this as a low priority because of the challenges that are likely associated with monitoring and enforcement.

As resources allow, likely on a longer time frame, the following may be explored for applicability and appropriateness to Upton.

- Consider a Transfer of Development Rights (TDR) Bylaw. TDR is a regulatory strategy that harnesses private market forces to accomplish two smart growth objectives. First, open space is permanently protected for water supply, agricultural, habitat, recreational, or other purposes via the transfer of some or all of the development that would otherwise have occurred in these sensitive places to more suitable locations. Second, other locations, such as city and town centers or vacant and underutilized properties, become more vibrant and successful as the development potential from the protected resource areas is transferred to them. In essence,

development rights are "transferred" from one district (the "sending district") to another (the "receiving district"). Communities using TDR are generally shifting development densities within the community to achieve both open space and economic goals without changing their overall development potential.

*Timeframe:* Priority A

*Responsible Party:* Zoning Board of Appeal and Planning Board with input from the LCHPC

*Resources Required:* Both of these strategies requires Zoning Bylaw amendments that will need to be overseen by the Zoning Board of Appeal and Planning Board with input from the LCHPC and drafted by a consultant that could be paid through CPA funding or the recommended professional staff. As another option, Central Massachusetts Regional Planning Commission (CMRPC) could be contacted for assistance with drafting proposed Bylaw changes.

b) PROMOTE MIXED-USE DEVELOPMENT

Upton's Zoning Bylaw does not generally allow mixed use development with the exception of the Planned Village Development that is only allowed in the Commercial and Industrial Zone by Special Permit from the Planning Board. A Village Overlay District is a tool that can allow mixed use development near the town center without changing the underlying zoning. Apartment units over small scale commercial uses are a typical New England land use. A typical scenario might have two or three story buildings with first floor commercial, possibly professional offices or small retail, and multiple units of rental housing on the upper floors. This would increase the opportunity and supply for rental housing that is sorely needed in town. The units may be smaller for young professionals or small families. The proximity to the existing commercial areas should create a higher demand.

Another strategy would be for the town to include in its Comprehensive Permit Policy design guidelines on mixed-use development and to process acceptable mixed-use development projects through the "friendly" 40B process as established under the state's Local Initiative Program (LIP).

*Timeframe:* Priority B

*Responsible Party:* Zoning Board of Appeal and Planning Board with input from the LCHPC

*Resources Required:* In addition to the donated time of the Planning Board, this strategy will likely require staff time from the proposed professional staff person and/or potential input from a consultant, the costs of which can be covered by CPA funding. Additional state support and guidance on a community education campaign would also be extremely helpful.

c) DEVELOP AN INCLUSIONARY ZONING BYLAW

An Inclusionary Zoning bylaw encourages housing production and offers density bonuses for affordable housing. Aspects of inclusionary zoning have already been incorporated into the Senior Housing

Community Bylaw. The Zoning bylaw could be strengthened to incentivize development of affordable housing or equivalent compensation for developments over a certain number of units. Features of Inclusionary Zoning include alternative methods to contribute to affordable housing unit development such as off-site units, fees in lieu, or donations of land equivalent to the cost to construct the additional affordable housing unit(s) for which credit is sought. Given the limited oversight and monitoring capacity available in town, on-site units should be strongly encouraged if not required unless hardships are demonstrated. Town resources are generally required to full assess, monitor and ensure that the credit yields the desire affordable housing units. Guidance on the development of an inclusionary zoning bylaw is offered as part of the States Smart Growth Toolkit. [http://www.mass.gov/envir/smart\\_growth\\_toolkit/bylaws/IZ-Bylaw.pdf](http://www.mass.gov/envir/smart_growth_toolkit/bylaws/IZ-Bylaw.pdf)

*Timeframe:* Priority A

*Responsible Party:* Zoning Board of Appeal and Planning Board with input from the LCHPC

*Resources Required:* In addition to the donated time of the Planning Board, this strategy will likely require time from the proposed professional staff person and/or potential input from a consultant, the costs of which can be covered by CPA funds.

d) MODIFY THE OPEN SPACE RESIDENTIAL DESIGN BYLAW

Upton has an Open Residential Design Bylaw that allows clustered residential development by special permit from the Planning Board in the SRB, SRC, SRC and AR zones. Its provisions promote a “smarter” and more compact type of development pattern as units are built in a cluster instead of the conventional grid pattern, allowing higher density on a portion of the site and creating permanently restricted open space. The Open Space Residential Design Bylaw permits a reduction of lot dimensional requirements and clustered developments with considerable open space for passive or active recreational space. The Town’s Open Space Residential Development (OSRD) Bylaw should offer density bonuses in exchange for affordable housing development similar to that described above for inclusionary zoning. Guidance on OSRD bylaws is offered as part of the States Smart Growth Toolkit. [http://www.mass.gov/envir/smart\\_growth\\_toolkit/pages/SG-bylaws-osrd.html](http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws-osrd.html).

The LCHPC with the zoning and planning boards should explore how to encourage use of the OSRD bylaw in areas closer to the towns center and areas of preferred development. One such option might be the development of an overlay district in Upton Center that would allow and OSRD by right.

*Timeframe:* Priority A

*Responsible Party:* Zoning Board of Appeal and Planning Board with input from the LCHPC

*Resources Required:* The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation.

e) CREATE AN INVENTORY OF PROPERTIES POTENTIALLY SUITABLE FOR AFFORDABLE HOUSING

This Housing Plan includes a preliminary list of potential public sites that may be suitable for the development of housing, including some amount of affordable housing. An initial review of this information has informed the development of the housing production goals presented in this Plan. The LCHPC should fully review the inventory of town-owned property and determine which parcels, if any, might be appropriate for affordable housing or a mix of uses with affordable housing integrated into another municipal use or open space preservation. Moreover, affordable housing should be integrated into the town's Open Space and Recreation Plan by identifying lands of conservation interest that would be suitable candidates for a mixed-income limited development project if the sites were acquired as open space. Other communities, such as Carlisle and Boxford, have acquired properties with CPA funding for a mix of uses, including affordable housing, athletic fields and open space, for example.

After some initial environmental testing and other preliminary feasibility analyses (the costs of which can be covered by CPA funds), the town would declare any identified municipally-owned parcels as surplus and convey to the affordable Housing Trust proposed in the Plan following town meeting approval. The Trust would then follow the basic process outlined in [strategy 3.a](#) below eventually conveying individual parcels to a developer based on prescribed terms and conditions for the development of affordable housing or mixed-income housing. Opportunities for acquiring additional property through the tax foreclosure process should not be overlooked as well.

The Town should also consider what privately held properties might be suitable for affordable housing and work with existing owners to develop or acquire them<sup>16</sup>.

This inventory should be informed by the build out analysis, areas with absolute and partial development constraints, and the open space and recreation plan's needs with regard to open space acquisition, protection and conservation.

*Timeframe:* Priority A

*Responsible Parties:* LCHPC

*Resources Required:* Donated time of various town boards and committees, as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to provide support.

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<sup>16</sup> Acquisition could occur directly through the proposed Housing Trust or in collaboration with a developer.

### 3. PARTNER WITH DEVELOPERS TO PRODUCE NEW AFFORDABLE HOUSING UNITS

The Town of Upton, through its LCHPC, and Planning Board, should work cooperatively with developers of affordable housing, including non-profit developers as well as private developers that have established track records in producing housing, to offer greater housing choices for area residents. The Town should welcome proposed projects of such scope and attractiveness that comply in general with development policies and meet the town's priority housing needs (as described above). The Town, in turn, can be an active partner throughout the development process through the following key activities:

#### a) PROVIDE SUITABLE PUBLIC PROPERTY FOR DEVELOPMENT

The contribution or "bargain sale" of land owned by the town or other public entities but not essential for government purposes is a component of the stated production goals. This Plan includes a letter from the board of Selectmen that allows the Rhode's property for further consideration as possible affordable housing (see Section 4.A of this Plan for the property under preliminary consideration). This Plan also includes a strategy to review current holdings and determine what, if any, properties (land or buildings) might be suitable for some amount of affordable housing ([see strategy 2.e](#)). Final determination of the use of these parcels for affordable housing is subject to a more thorough feasibility analysis of site conditions; and town meeting approval is required for the conveyance of town-owned properties. The Town should then prepare and issue a Request for Proposals (RFP) for developers that includes project guidelines (e.g., approximate size, density, ownership vs. rental, target market/income mix, level of affordability, design issues, community preference criteria, siting, financing available, ownership and management, other stipulations) and selection criteria. It will also be important for the Town to meet with the state's Department of Housing and Community Development (DHCD) at this juncture or even before to discuss the project and obtain their early input into project financing options.

*Timeframe:* Priority A

*Responsible Parties:* Board of Selectmen with input from the LCHPC

*Resources Required:* Donated time of various town boards and committees, including the LCHPC, as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to provide support.

#### b) OFFER PREDEVELOPMENT FUNDING

As mentioned above, it is useful to do some due diligence to insure that the development will be feasible, particularly given site conditions. The proposed Housing Trust could apply for CPA funding to undertake important environmental testing, early design work, site surveys, financial feasibility analyses, or other predevelopment activities. Sometimes title issues need to be resolved as well. Many communities use CPA funding to support this type of predevelopment work as input into the RFP process mentioned above. Typically, the more information developers have in responding to RFP's, the better the proposals.

*Timeframe:* Priority A

*Responsible Parties:* LCHPC/Community Preservation Committee

*Resources Required:* CPA funding or other available funds. Also needed is donated time of the LCHPC as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to coordinate necessary logistics to hire necessary professionals to conduct this predevelopment work.

c) SUPPORT PERMITTING THROUGH ADVOCACY

Projects may require densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw, and the selected developer may be able to obtain this relief through normal channels, if community support is likely, or use the “friendly” comprehensive permit process through DHCD’s Local Initiative Program (LIP), for example. While, the designated developer is responsible for obtaining regulatory approvals, the LCHPC can be extremely helpful in lending local advocacy support through the regulatory approval process.

*Timeframe:* Priority A

*Responsible Parties:* LCHPC

*Resources Required:* Donated time of LCHPC members and the potential involvement of the proposed professional staff person or another municipal official.

d) PROVIDE GAP FINANCING TO LEVERAGE PROJECT FINANCING

The designated developer will ultimately be responsible for obtaining project financing, including both public and private sources. Support from the Board of Selectmen and LCHPC will be important, and letters of support from them both will be critical in applying for subsidies where needed. Local funding that demonstrates the community’s continued investment in the project sends a strong signal to funders, making the project more competitive. Such funding, typically CPA money in the case of small towns, often provides the last “gap filler” to make projects feasible and the key leverage to secure necessary financing. It should be noted that most competitive state funding programs strongly urge that regulatory approvals be in place before funding applications are submitted. The developer and town representatives should also meet with DHCD to discuss progress and once again obtain input on development options and financing prior to applying for funding.

Another potential resource that the town might access is HOME funding.<sup>17</sup> Because Upton is not an entitlement community, meaning that it is not automatically entitled to receive HOME funding based on

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<sup>17</sup> HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to produce rental housing; provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties; offer tenant-based rental assistance (two-year subsidies); and assist first-time homebuyers.

HUD's funding formula, the town would need to join a consortium of other smaller towns and cities to receive annual funding or apply directly to the state on a project by project basis. The closest existing consortium is the one based in Newton that includes several contiguous communities as far west as Framingham. Funding in the Consortium is divided by formula with a set amount designated for each participating locality to commit within two (2) years and expend within five (5) years. HUD offers guidance on how to form a consortium.

In addition to serving proactively in these key activities, the Town can promote certain housing types and smart growth development through zoning as well as active interaction with property owners and developers to identify development opportunities such as the conversion of existing housing into long-term affordability ([see strategy 4.b](#)), cluster development with affordable units ([see strategy 2.d](#)), adaptive reuse, mixed-use development ([see strategy 2.b](#)), and new scattered infill sites as well.<sup>18</sup>

*Timeframe:* Priority A

*Responsible Parties:* LCHPC with Community Preservation Committee

*Resources Required:* Continued donated time of committee members as well as time from the town's CPC Coordinator and proposed professional staff person in addition to CPA funds, possible Housing Trust Funds, and the donation of town-owned parcels for a nominal price.

#### 4. PRESERVE EXISTING HOUSING

##### a) MONITOR AND MAINTAIN THE SHI INVENTORY.

DHCD requires a regular reporting of each town's SHI inventory. While many are developed with affordable housing deed restrictions in perpetuity, other affordable housing units drop off the list as the term of their affordability lapses. Attention to the details of the deed restrictions and the specific timing for each circumstance are needed. When, as in the case of the units in Samreen Villa, an affordable unit becomes available, the provisions of the deed rider need to be monitored and enforced to maintain the affordability of the unit. A database could be established with alarms to act prior to the possible expiration of covenants. Often resources legal or financial are necessary to preserve or roll over deed restrictions. Of immediate concern, is the expiration of the affordability provisions on the 89 rental units of Millhaus at Upton on Main Street. These units were developed with subsidies from Mass Housing and are set to expire in 2012. Loss of these units would very negatively impact the town's affordable housing inventory. Discussions should be started as soon as possible to with the project owner to determine options to extent the affordability.

*Timeframe:* Priority A

*Responsible Parties:* LCHPC with input from the Zoning Board of Appeal and Planning Board

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<sup>18</sup> The Town of Upton is interested in promoting new housing on small lots scattered through existing villages and neighborhoods in an effort to have new affordable units blend into the fabric of the community where possible. Development models like Habitat for Humanity's new homes would fit in very well with this development strategy.

*Resources Required:* Continued donated time of committee members as well as time from the Town's proposed professional staff person.

b) EXPLORE LOCAL INITIATIVE PROJECTS TO BUY AFFORDABLE HOUSING DEED RESTRICTIONS.

As funds allow, and properties become available, the town should explore creative ways to preserve existing homes and add them to the SHI. For example, Newton has been pairing MHP's SoftSecond Loan Program with CPA funds to make homeownership possible for first-time buyers. With prices in Newton beyond the reach of many first-time homebuyers, Newton has used CPA funds to buy down the purchase price. In one example, a family of four making below 30 percent of median income was able to buy a condominium with a SoftSecond Loan, after the city used CPA funds to reduce the purchase price. By using SoftSecond with local CPA funds, the city was also able to add an affordable unit by putting a deed rider on the property, requiring the owner to resell it as an affordable unit to another income-eligible homebuyer.

This will require the development of a program, approval of the program by DHCD, and a keen awareness of real estate opportunities.

*Timeframe:* Priority B

*Responsible Parties:* LCHPC

*Resources Required:* Continued donated time of committee members as well as time from the Town's proposed professional staff person.

c) HELP QUALIFYING RESIDENTS ACCESS HOUSING ASSISTANCE

A variety of programs and resources are available to home owners and home buyers. A full list of resources would include reference to nearby first time home buyers classes, down payment assistance programs, counseling programs, foreclosure prevention resources, etc. Some programs are targeted to specific populations such as the elderly, veterans, first time home owners, etc.

In addition, resources are available to assist current home owners with repairs and improvements that either improve the value of their home or reduce the cost of ownership. Energy efficient appliances and other energy saving programs are now available.

The town should initiate a housing rehabilitation program in older neighborhoods targeted to those on fixed incomes. Even tax abatement programs for elderly, veteran, or disabled make the cost of homeownership more affordable.

*Timeframe:* Priority A

*Responsible Parties:* LCHPC with the Housing Authority and Council on Aging

*Resources Required:* Continued donated time of committee members as well as time from the Town's proposed professional staff person.

## 5. SUMMARY

The table below summarizes the housing strategies described above.

**Table 12 - Summary of Housing Strategies**

Strategy	Priority <sup>19</sup>	Lead Entity <sup>20</sup>
<b>1. Build Local Capacity to Promote Affordable Housing</b>		
h. Conduct ongoing community outreach	A	LCHPC
i. Secure professional support	A	BOS/LCHPC
j. Establish and capitalize an Upton Affordable Housing Trust	A	BOS/LCHPC
k. Develop and Adopt a Comprehensive Permit Policy	A	BOS/LCHPC/ZBA
l. Participate in Regional Collaboration	B	TA/CMRPC
m. Negotiate fees for peer review of comprehensive permit projects	A	ZBA
n. Coordinate the Town's affordable housing efforts.	A	BOS
<b>2. Make Zoning and Planning Reforms</b>		
f. Promote greater diversity and density of permitted housing types	B	PB
g. Promote mixed-use development	B	PB
h. Develop an Inclusionary or incentive Zoning bylaw	B	PB
i. Modify the Open Space Residential Design bylaw to add density bonuses	B	PB

<sup>19</sup> **Priority Actions** - Priority A actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority B actions involve focused attention after the next couple of years.

<sup>20</sup> **Abbreviations**

BOS Upton Board of Selectmen

PB Upton Planning Board

CPC Upton Community Preservation Committee

ZBA Upton Zoning Board of Appeals

HA Upton Housing Authority

COA Upton Council on Aging

LCHPC Upton Local Community Housing Partnership Committee - *IMPORTANT NOTE: At the May 10, 2012 Annual Town Meeting the Town of Upton voted to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Upton Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Upton for the benefit of low and moderate income households. At the same Annual Town Meeting, the Town voted to disband the LCHPC. References to the LCHPC's future responsibilities will now be those of the newly formed Affordable Housing Trust.*

Strategy	Priority <sup>19</sup>	Lead Entity <sup>20</sup>
j. Create inventory for properties potentially suitable for affordable housing development	A	
<b>3. Partner with Developers to Produce New Affordable Housing</b>		
e. Provide suitable public property	A	BOS/HT
f. Offer predevelopment funding	A	HT/CPC
g. Support permitting with advocacy	A	HT
h. Provide support and gap financing to leverage project financing	A	HT/CPC
<b>4. Preserve Existing Housing</b>		
d. Monitor and maintain SHI	A	HP/HT
e. Explore LIP to buy affordable housing deed restrictions.	A	HP/HT
f. Help qualifying residents access housing assistance	B	HA/COA

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## VII. APPENDICES

### APPENDIX A –UPTON MASTER PLAN, MARCH 2005, HOUSING ELEMENT EXCERPTS

(Dayltor Consulting Group, Inc. and Central Massachusetts Regional Planning Commission, 2005)

#### 3. HOUSING

##### 3.1. Summary

The Housing Chapter focuses on the population growth of Upton, how this growth compares to surrounding towns, and the effects it is having on housing. In addition, the types of housing Upton now has and what is needed in the future are discussed. Finally, to deal with the growth in coming years, a set of proposed recommendations is listed at the end of the chapter.

##### 3.2. Goals

Preserve Upton’s rural, small-town character and open space; ensure that housing development is slow, deliberate, and planned; and provide a diversity of housing affordability while maintaining a largely single-family character.

##### 3.3. Objectives

1. Maintain the 80,000 square-foot lot size requirement that currently exists in Upton’s Agricultural-Residential zone and do not reduce the size of this zone.
2. Coordinate housing development with municipal services.
3. Provide housing options that will allow residents to remain in town as they age and allow children of residents to establish families in Upton.
4. Encourage developers to incorporate open space designs into new housing projects.
5. Strengthen the review process for new development and enforcement of town bylaws and regulations.
6. Recommend enacting bylaws to ensure that future housing development maintains the town’s compliance with the 10% affordable housing requirement.

##### 3.14. Housing Prioritized Recommendations

The following housing recommendations are ranked in descending order by importance.

1. **Strengthen the Open Space Provisions of the Open Space Subdivision Bylaw:** See **Chapter 2 – Land Use, Recommendation 3** on page 17 for more information.

**Responsible Entity:** The Planning Board

##### 2. Major Residential Development Review:

The town should have a mechanism in place that allows for the municipal review of major residential development proposals. Proposals subject to this review could include the development of five or more

lots along the frontage of an existing town road. Currently, such development proposals receive no municipal review as they are created under the Approval Not Required (ANR) process. For more detailed information on this recommendation, see **Chapter 2 – Land Use, Recommendation 1** on page 15.

**Responsible Entity:** The Planning Board

### **3. Affordable Housing:**

The town should make every effort to ensure that 10% of its housing stock consists of low and moderate-income housing, to both avoid the negative implications of 40-B developments and to provide diversity in the housing options available to residents. Towards this end, the town should create an Upton Local Housing Partnership committee of volunteers to oversee the orderly development of affordable housing. The Partnership should consider both regulatory and non-regulatory means of promoting affordable housing in Upton by considering the following:

- Regular meetings to review Upton’s affordability status and initiatives to pursue.
- Review the State’s Affordable Housing Trust Fund and the various housing grant programs offered by the Massachusetts Department of Housing and Community Development (DHCD) for possible use in Upton, and act on such grants as are deemed appropriate.
- Draft and implement either inclusionary zoning or incentive-based zoning bylaw for the purpose of ensuring that Upton remains above the 10% threshold in the future.

**Responsible Entity:** The Board of Selectmen, the Planning Board, and the Upton Local Housing Partnership (once created).

### **4. Accessory Apartments:**

The town should consider adopting an accessory apartment provision within its Zoning Bylaw. Issues to consider when drafting an accessory apartment provision include access/egress to the apartment, external appearance of the principal or secondary structure, parking, sewage disposal, trash disposal, size limitations and the permitting process. Allowing accessory apartments would provide another housing choice for Upton’s elder residents and young people who cannot yet afford to buy a home.

**Responsible Entity:** The Planning Board, in conjunction with the Building Inspector and Health Inspector

### **5. Conversion of Existing Single-Family Homes into Two-Family Homes:**

Upton’s zoning bylaw currently allows the conversion of single-family homes into two-family homes in all of its residential zoning districts, upon authorization from the Zoning Board of Appeals and if the lot in question is twice the size of the underlying zoning requirement for a single-family dwelling. We recommend the double lot size requirement be dropped in Residential A and B districts to promote less expensive housing options, particularly where the town provides both municipal water and sewer.

**Responsible Entity:** The Planning Board and the Zoning Board of Appeals

## **6. Multi-Family Dwellings in Residential-A District:**

The town currently allows multi-family dwellings in Residential-A district under a Special Permit, authorization from the Zoning Board of Appeals. The town should relax the Special Permit criteria to encourage more multi-family dwellings in the Residential A district where town water and sewer are supplied. This will promote less expensive housing options. If the town is concerned about how a particular site would be developed, then design standards could be built into a site plan review process.

**Responsible Entity:** The Planning Board and the Zoning Board of Appeals

## **7. Erosion Control Standards:**

The town's Subdivision Regulations should be amended to require detailed erosion control plans as part of the submission for definitive subdivision approval. The design standards for such plans should be clearly stated within the town's Subdivision Regulations. It should be required that erosion control plans be prepared by a registered professional civil engineer and the Subdivision Regulations should be further amended to give the Planning Board the power to have such plans reviewed by an independent engineering consultant of the Planning Board's choice at the developer's expense. The Planning Board has had its own engineering consultant review subdivision plans on occasion but this has been an informal arrangement and has not been codified within the Board's Subdivision Regulations. The Subdivision Regulations should be absolutely clear on the Planning Board's procedures for reviewing definitive subdivision plans so that developers wishing to build in Upton know what is required. See **Chapter 2 – Land Use, Recommendation 5** on page 21.

**Responsible Entity:** The Planning Board



## APPENDIX B - GLOSSARY OF HOUSING TERMS AND LIST OF ACRONYMS

### **Affordable Housing**

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

### **Area Median Income (AMI)**

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

### **Chapter 40B**

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

### **Chapter 44B - The Community Preservation Act (CPA)**

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

### **Community Development Corporation (CDC)**

A broad term referring to [not-for-profit](#) organizations incorporated to provide programs, offer services and engage in other activities that promote and support [community development](#). CDCs usually serve a geographic location such as a [neighborhood](#) or a [town](#). They often focus on serving lower-income residents or struggling neighborhoods. They can be involved in a variety of activities including [economic development](#), [education](#), [community organizing](#) and [real estate development](#). These organizations are often associated with the development of [affordable housing](#). The City of Worcester has several CDCs and Southern Worcester County CDC serves the towns of Charlton, Oxford, Dudley, Webster, Sturbridge, Southbridge, and Douglas.

### **Comprehensive Permit**

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

### **Department of Housing and Community Development (DHCD)**

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

### **Fair Housing Act**

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

### **Inclusionary Zoning**

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

### **Infill Development**

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

### **Local Initiative Program (LIP)**

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

### **MassHousing (formerly the Massachusetts Housing Finance Agency, MHFA)**

A quasi-public agency created in 1966 to help finance affordable housing programs. MassHousing sells both tax-exempt and taxable bonds to finance its many single-family and multi-family programs.

**Metropolitan Statistical Area (MSA)**

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

**Mixed-Income Housing Development**

Development that includes housing for various income levels.

**Mixed-Use Development**

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

**Massachusetts Rental Voucher Program (MRVP)**

The Commonwealth of Massachusetts provides rental assistance through the Massachusetts Rental Voucher Program (MRVP). The program is funded annually by the state legislature. State-funded mobile vouchers can be used anywhere in Massachusetts, but project based vouchers are only available in specific apartments. The vouchers are administered by local housing authorities and regional non-profit agencies.

**Overlay Zoning**

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

**Public Housing Agency (PHA)**

A public entity that operates housing programs: includes state housing agencies (including DHCD), housing finance agencies and local housing authorities. This is a HUD definition that is used to describe the entities that are permitted to receive funds or administer a wide range of HUD programs including public housing and Section 8 rental assistance. The Upton Housing Authority manages 40 units of housing and 7 Massachusetts Rental Vouchers.

**Regional Non-Profit Housing Organizations**

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

and training programs for communities. RCAP Solutions with offices in Gardner and Worcester serves as Upton’s regional non-profit housing organization.

**Regional Planning Agencies (RPAs)**

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

**Request for Proposals (RFP)**

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

**Section 8**

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

**Smart Growth**

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

**Subsidy**

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

**Subsidized Housing Inventory (SHI)**

The Subsidized Housing Inventory is used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law. The SHI is the official list of units that count toward a community's 10% goal as prescribed by Chapter 40B and is compiled and maintained by the Department of Housing and Community Development. While housing developed under a comprehensive permit is eligible for inclusion on the inventory, many other types of housing also qualify to count toward a community's affordable housing stock.

It is important to remember that housing units considered to be affordable may not necessarily be included on the Subsidized Housing Inventory due to the strict requirements established under state law.

**US Department of Housing and Urban Development (HUD)**

The primary federal agency for regulating housing, including fair housing and housing finance. It is also the major federal funding source for affordable housing programs.



## APPENDIX C - SUMMARY OF SELECT HOUSING REGULATIONS

### 1. CHAPTER 40B COMPREHENSIVE PERMIT LAW

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

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

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. Now new homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements.

According to Chapter 40B regulations, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met<sup>21</sup>:

- The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes

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<sup>21</sup> Section 56.03 of the new Chapter 40B regulations.

affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community's land area.

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

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA's decision to the state's Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process.<sup>22</sup> Recently approved regulations add a new requirement that ZBA's provide early written notice (within 15 days of the opening of the local hearing) to the application and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and DHCD in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA's position). Either the ZBA or application can appeal DHCD's decision by filing an interlocutory appeal with the Housing Appeals Committee (HAC) within 20 days of receiving DHCD's decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these “appeal-proof” grounds.

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

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<sup>22</sup> Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

- *40R* - Units receiving Plan Approval under 40R now count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy* - Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the Certificate of Occupancy is not issued within 18 months.
- *Large Phased Project* - If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.
- *Projects with Expired Use Restrictions* - Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting* - Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set-aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined per requirements under the state's Local Initiative Program.

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

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and they can make a joint application to DHCD for certification under the Local Initiative Program.

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

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

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

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

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the

engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

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

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

states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

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

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

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

## 2. HOUSING PRODUCTION REGULATIONS

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

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of 0.5% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory (xx units and yy units, respectively, for Upton until the new census figures are available in 2011) for *approval* by DHCD.<sup>23</sup>
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.

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<sup>23</sup> Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the production documentation to DHCD, or 24 months if the 1.0% threshold is met.

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

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure include future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including -
  - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.
  - Identification of specific sites on which comprehensive permit applications will be encouraged.
  - Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
  - Municipally owned parcels for which development proposals will be sought.
  - Participation in regional collaborations addressing housing development.

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

### 3. CHAPTER 40R/40S

In 2004, the State Legislature approved a new zoning tool for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income”.<sup>24</sup>

The statute defines 40R as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost

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<sup>24</sup> Edward Carman, Barry Bluestone, and Eleanor White for The Commonwealth Housing Task Force, “A Housing Strategy for Smart Growth and Economic Development: Executive Summary”, October 30, 2003, p. 3.

effective and encourages community and stakeholder collaboration in development decisions.”<sup>25</sup> The key components of 40R include:

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

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

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

There are also density bonus payments of \$3,000 for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”<sup>26</sup>

The principal benefits of 40R include:

- Expands a community’s planning efforts;
- Allows communities to address housing needs;

<sup>25</sup> Massachusetts General Law, Chapter 40R, Section 11.

<sup>26</sup> “A Housing Strategy for Smart Growth and Economic Development: Executive Summary,” p. 4.

- Allows communities to direct growth;
- Can help communities meet production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and
- State incentive payments.

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

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

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

#### 4. LOCAL INITIATIVE PROGRAM (LIP) GUIDELINES

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

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

Specific LIP requirements include the following by category:

##### a) INCOME AND ASSETS

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

b) ALLOWABLE SALES PRICES AND RENTS<sup>27</sup>

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.
- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees<sup>28</sup>, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance.
- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

c) ALLOWABLE FINANCING AND COSTS

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24

<sup>27</sup> DHCD has an electronic mechanism for calculating maximum sales prices on its website at [www.mass.gov/dhcd](http://www.mass.gov/dhcd).

<sup>28</sup> DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.

months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.

- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner's equity in the project. Owner's equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer's obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

d)        MARKETING AND OUTREACH (REFER TO STATE AFFIRMATIVE FAIR HOUSING MARKETING PLAN GUIDELINES DATED JUNE 25, 2008.)

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of 70% of the units may be local preference units for those who have a connection to the community as defined under state guidelines (Section C: Local Preference section of the Affirmative Fair Housing Marketing Plan Guidelines (dated June 25, 2008).
- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

e) REGULATORY REQUIREMENTS

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

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

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

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

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

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

1. Application process
  - Developer meets with Town
  - Developer and Town agree to proposal
  - Town chief elected officer submits application to DHCD with developer’s input
2. DHCD review involves the consideration of:
  - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
  - Number and type of units,
  - Pricing of units to be affordable to households earning no more than 70% of area median income,
  - Affirmative marketing plan,
  - Financing, and
  - Site visit.
3. DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.
4. Zoning Board of Appeals holds hearing
  - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
  - Developer forms a limited dividend corporation that limits profits.
  - The developer and Town sign a regulatory agreement.
5. Marketing
  - An Affirmative Fair Housing Marketing Plan must provide outreach to area minority communities to notify them about availability of the unit(s).
  - Local preference is limited to a maximum of 70% of the affordable units.
  - Marketing materials must be available/application process open for a period of at least 60 days.
  - Lottery must be held.
6. DHCD approval must include
  - Marketing plan, lottery application, and lottery explanatory materials

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

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

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617-573-1330; email: [Janice.lesniak@state.ma.us](mailto:Janice.lesniak@state.ma.us)). For resale questions contact Elsa Campbell, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: [elsa.campbell@state.ma.us](mailto:elsa.campbell@state.ma.us)).

## APPENDIX D - SUMMARY OF HOUSING RESOURCES

The following summary presents a variety of programs that support housing planning and development activities. Program descriptions and guidelines are subject to change on a regularly basis. This summary lists resources that have existed and is meant to give an overview of types of housing resources. Up-to date information should be sought. Those programs that may be appropriate to development activity in Upton are described below.<sup>29</sup>

### 1. TECHNICAL ASSISTANCE

#### a) PRIORITY DEVELOPMENT FUND<sup>30</sup>

A relatively new state-funded initiative, the Priority Development Fund, provides planning assistance to municipalities for housing production. In June 2004, DHCD began making \$3 million available through this Fund on a first-come, first-served basis to encourage the new production of housing, especially mixed-income rental housing. PDF assistance supports a broad range of activities to help communities produce housing. Applications must demonstrate the community's serious long-term commitment and willingness to increase its housing supply in ways that are consistent with the Commonwealth's principles of sustainable development.

Eligible activities include community initiated activities and implementation activities associated with the production of housing on specific sites. Community initiated activities include but are not limited to:

- Zoning activities that support the program objectives include:
- Incentive zoning provisions to increase underlying housing density;
- Smart Growth Zoning Overlay Districts;
- Inter- and intra-municipal Transferable Development Rights proposals;
- Zoning that promotes compact housing and development such as by right multi-family housing, accessory apartment units, clustered development, and inclusionary zoning;
- Zoning provisions authorizing live-and-work units, housing units for seasonal employees, mixed assisted living facilities and the conversion of large single-family structures, vacant mills, industrial buildings, commercial space, a school or other similar facilities, into multi-family developments; and
- Other innovative zoning approaches developed by and for an individual community.
- Education and outreach efforts that support the program objectives include:
- Establishment of a local or regional affordable housing trust;
- Development of a plan of action for housing activities that will be undertaken with Community Preservation Act funds; and
- Efforts to build local support (grass-root education) necessary to achieve consensus or approval of local zoning initiatives.
- Implementation activities associated with the production of housing in site-specific areas include but are not limited to:

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<sup>29</sup> Program information was gathered through agency brochures, agency program guidelines and application materials as well as the following resources: Verrilli, Ann. [Housing Guidebook for Massachusetts](#). Produced by the Citizen's Housing and Planning Association, June 1999.

<sup>30</sup> Description taken from the state's program descriptions.

- Identification of properties, site evaluation, land assembly and financial feasibility analysis; and
- Development of a Request for Proposal (RFP) for the disposition of land.

The PDF assistance is not available to serve as a substitute for pre-development assessment of alternative development scenarios for parcels already controlled by an identified private developer or to supplant municipal funds to pay staff salaries.

Eligible applicants consist of cities and towns within the Commonwealth. Municipalities may enter into third party agreements with consultants approved by DHCD, however only a municipality will be allowed to enter into a contract with MassHousing regarding the distribution of funds. Municipalities will be responsible for attesting that all funds have been expended for their intended purposes.

Joint applications involving two or more communities within a region or with similar housing challenges are strongly encouraged as a way to leverage limited resources; however, one municipality will be required to serve as the lead.

MassHousing and DHCD reserve the right to screen applications and to coordinate requests from communities seeking similar services. For example, rural communities may be more effectively served by an application for a shared consultant who can work with numerous towns to address zoning challenges that enhance housing production. Likewise, it may be more effective to support an application for a consultant to review model zoning bylaws or overlay districts with a number of interested communities with follow-up at the community level to support grassroots education, than it is to support the separate development of numerous zoning bylaws. Communities submitting multiple applications must prioritize their applications.

In exchange for the assistance, municipalities must agree to share the end product of the funded activities with DHCD and MassHousing and with other communities in the Commonwealth through reports, meetings, workshops, and to highlight these activities in print, on the web or other media outlets.

The agencies will focus the evaluation of applications to determine overall consistency with program goals and the principles of sustainable development. Applications will be evaluated based on:

- Eligibility of activity;
  - Public support;
  - Demonstrated need for funds;
  - Likelihood activity will result in production of housing;
  - Reasonableness of the timeline;
  - Readiness to proceed with proposed project;
  - Capacity to undertake activity;
  - Cost estimates and understanding of the proposed project cost;
  - Proposed activity having clearly defined benefits that will result in the production of housing;
- and
- Benefits being realized within a 2-3 year-timeframe.

Applications for funding will be accepted and evaluated on a rolling review basis. In order to deploy this assistance as effectively and efficiently as possible, or in the event the planning funds are

oversubscribed, communities that have relatively greater planning capacity and/or resources may be requested to provide some matching funds. Additional consideration and flexibility for the assistance will be made for communities with little or no planning staff capacity or resources.

Communities may apply to DHCD for assistance of up to \$50,000. The amount of funds awarded will be a reflection of the anticipated impact on housing production. DHCD and MassHousing reserve the right to designate proposals as “Initiatives of Exceptional Merit,” in order to increase the amount of assistance and scope of services for certain projects.

b) PEER TO PEER TECHNICAL ASSISTANCE

This state program utilizes the expertise and experience of local officials from one community to provide assistance to officials in another comparable community to share skills and knowledge on short-term problem solving or technical assistance projects related to community development and capacity building. Funding is provided through the Community Development Block Grant Program and is limited to grants of no more than \$1,000, providing up to 30 hours of technical assistance.

Applications are accepted on a continuous basis, but funding is limited. To apply, a municipality must provide DHCD with a brief written description of the problem or issue, the technical assistance needed and documentation of a vote of the Board of Selectmen or letter from the Town Manager supporting the request for a peer. Communities may propose a local official from another community to serve as the peer or ask DHCD for a referral. If DHCD approves the request and once the peer is recruited, DHCD will enter into a contract for services with the municipality. When the work is completed to the municipality’s satisfaction, the Town must prepare a final report, submit it to DHCD, and request reimbursement for the peer.

c) MHP INTENSIVE COMMUNITY SUPPORT TEAM

The Massachusetts Housing Partnership Fund is a quasi-public agency that offers a wide range of technical and financial resources to support affordable housing. The Intensive Community Support Team provides sustained, in-depth assistance to support the development of affordable housing. Focusing on housing production, the Team helps local advocates move a project from the conceptual phase through construction, bringing expertise and shared lessons from other parts of the state. The team can also provide guidance on project finance. Those communities, which are interested in this initiative, should contact the MHP Fund directly for more information.

d) MHP CHAPTER 40B TECHNICAL ASSISTANCE PROGRAM

Working with DHCD, MHP launched this program in 1999 to provide technical assistance to those communities needing assistance in reviewing comprehensive permit applications. The Program offers up to \$10,000 in third-party technical assistance to enable communities to hire consultants to help them review Chapter 40B applications. Those communities that are interested in this initiative should contact the MHP Fund directly for more information.

MHP recently announced new guidelines to help cities and towns review housing development proposals under Chapter 40B including:

- State housing agencies will now appraise and establish the land value of 40B sites before issuing project eligibility letters.
- State will put standards in place for determining when permit conditions make a 40B development “uneconomic”.
- There will be set guidelines on determining related-party transactions, i.e., when a developer may also have a role as contractor or realtor.
- Advice on how to identify the most important issues early and communicate them to the developer, how informal work sessions can be effective, and how to make decisions that are unlikely to be overturned in court.

#### e) SMART GROWTH TECHNICAL ASSISTANCE GRANTS

The state recently announced the availability of *Smart Growth Technical Assistance Grants* from the Executive Office of Environmental Affairs that provides up to \$30,000 per community to implement smart growth zoning changes and other activities that will improve sustainable development practices. Eligible activities include:

- Zoning changes that implement planning recommendations;
- Development of mixed-use zoning districts;
- Completion of Brownfields inventory or site planning;
- Implementation of stormwater Best Management Practices;
- Completion of Open Space Residential Design bylaws/ordinances;
- Implementation of Low Impact Development (LID) bylaws/ordinances; and
- Development of a Right-to-Farm bylaw/ordinance or zoning protections for agricultural preservation.

The state requires that localities provide a match of 15% of this special technical assistance fund and encourages communities that are interested in the same issues to apply jointly. Preference will be given to applications that improve sustainable development practices and implement a specific Community Development or Master Plan action. Nevertheless, communities are able to submit supplemental information that will likely help boost their scores and competitiveness for state discretionary resources.

## 2. HOUSING DEVELOPMENT

While comprehensive permits typically do not involve external public subsidies but use internal subsidies by which the market units in fact subsidize the affordable ones, communities are finding that they also require public subsidies to cover the costs of affordable or mixed-income residential development and need to access a range of programs through the state and federal government and other financial institutions to accomplish their objectives and meet affordable housing goals. Because the costs of development are typically significantly higher than the rents or purchase prices that low- and moderate-income tenants can afford, multiple layers of subsidies are often required to fill the gaps. Sometimes even Chapter 40B developments are finding it useful to apply for external subsidies to increase the numbers of affordable units, to target units to lower income or special needs populations, or to fill gaps that market rates cannot fully cover.

The state requires applicants to submit a One Stop Application for most of its housing subsidy programs in an effort to standardize the application process across agencies and programs. A Notice of Funding Availability (NOFA) is issued by the state usually twice annually for its rental programs and homeownership initiatives. Using the One Stop Application, applicants can apply to several programs simultaneously to support the funding needs of a particular project.

a) HOME PROGRAM

HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to do the following:

- Produce rental housing;
- Provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties;
- Offer tenant-based rental assistance (two-year subsidies); and/or
- Assist first-time homeowners.
- 

The HOME Program funding is targeted to homebuyers or homeowners earning no more than 80% of median income and to rental units where at least 90% of the units must be affordable and occupied by households earning no more than 60% of median income, the balance to those earning within 80% of median. Moreover, for those rental projects with five or more units, at least 20% of the units must be reserved for households earning less than 50% of median income. In addition to income guidelines, the HOME Program specifies the need for deed restrictions, resale requirements, and maximum sales prices or rentals.

The HOME Rental Program is targeted to the acquisition and rehabilitation of multi-family distressed properties or new construction of multi-family rental housing from five to fifty units. Once again, the maximum subsidy per project is \$750,000 and the maximum subsidy per unit in localities that receive HOME or CDBG funds directly from HUD is \$50,000 (these communities should also include a commitment of local funds in the project). Those communities that do not receive HOME or CDBG funds directly from HUD, like Upton, can apply for up to \$65,000 per unit. Subsidies are in the form of deferred loans at 0% interest for 30 years. State HOME funding cannot be combined with another state subsidy program with several exceptions including the Low Income Housing Tax Credits, HIF and the Soft Second Program.

b) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)

In addition to funding for the Peer-to-Peer Program mentioned in the above section, there are other housing resources supported by federal CDBG funds that are distributed by formula to Massachusetts.

The **Massachusetts Small Cities Program** that has a set-aside of Community Development Block Grant (CDBG) funds to support a range of eligible activities including housing development. However, at least 70% of the money must provide benefits to households earning within 80% of median income. This money is for those non-entitlement localities that do not receive CDBG funds directly from HUD. Funds are awarded on a competitive basis through Notices of Funding Availability with specific due dates or

through applications reviewed on a rolling basis throughout the year, depending on the specific program. This funding supports a variety of specific programs.

The program that potentially has the greatest applicability in Upton is the **Housing Development Support Program (HDSP)** that provides gap financing for small affordable housing projects with fewer than eight units, including both new construction and rehabilitation. Eligible activities include development, rehabilitation, homeownership, acquisition, site preparation and infrastructure work. There is a maximum of \$500,000 plus administrative costs but the program can go up to \$750,000 per project for somewhat larger developments of up to ten units that involve mixed-use or adaptive reuse projects. A majority of the units must be affordable. All state and federal grants cannot exceed 75% of total project costs with the exception of special needs projects where such grants can amount to 100% of total costs. Funding involves a two-step process: 1) a notice of intent that provides basic information on the project, and 2) the municipality may be invited to submit a full application. HDSP Program funding is extremely competitive, and projects that receive funding through the state HOME or Housing Stabilization Fund Programs are excluded from applying to HDSP.

There are other programs funded through the Community Development Block Grant Small Cities Program for both homeownership and rental projects. A number of the special initiatives are directed to communities with high “statistical community-wide needs”, however, the **Community Development Fund II** is targeted to communities with lower needs scores that have not received CDBG funds in recent years. This may be the best source of CDBG funding for Upton besides HDSP described above. Funding is also awarded competitively through an annual Notice of Funding Availability. DHCD also has a **Reserve Fund** for CDBG-eligible projects that did not receive funding from other CDBG funded programs or for innovative projects.

#### c) HOUSING STABILIZATION FUND (HSF)

The state’s Housing Stabilization Fund (HSF) was established in 1993 through a Housing Bond bill to support housing rehabilitation through a variety of housing activities including homeownership (most of this funding has been allocated for the MHP Soft Second Program) and rental project development. The state subsequently issued additional bond bills to provide more funding. The HSF Rehabilitation Initiative is targeted to households with incomes within 80% of median income, with resale or subsequent tenancy for households within 100% of median income. The funds can be used for grants or loans through state and local agencies, housing authorities and community development corporations with the ability to subcontract to other entities. The funds have been used to match local HOME program funding, to fund demolition, and to support the acquisition and rehabilitation of affordable housing. In addition to a program directed to the rehabilitation of abandoned, distressed or foreclosed properties, the HSF provides funds to municipalities for local revitalization programs directed to the creation or preservation of rental projects. As with HOME, the maximum amount available per project is \$750,000 and the maximum per unit is \$65,000 for communities that do not receive HOME or CDBG funds directly from HUD, and \$50,000 for those that do. Communities can apply for HSF funding biannually through the One Stop Application.

d) LOW INCOME HOUSING TAX CREDIT PROGRAM

The Low Income Housing Tax Credit Program was created in 1986 by the Federal Government to offer tax credits to investors in housing development projects that include some low-income units. The tax credit program is often the centerpiece program in any affordable rental project because it brings in valuable equity funds. Tax credits are either for 4% or 9% of the development or rehab costs for each affordable unit for a ten-year period. The 4% credits have a present value of 30% of the development costs, except for the costs of land, and the 9% credit have a present value equal to 70% of the costs of developing the affordable units, with the exception of land. Both the 4% and 9% credits can be sold to investors for close to their present values.

The Federal Government limits the 9% credits and consequently there is some competition for them, nevertheless, most tax credit projects in Massachusetts are financed through the 9% credit. Private investors, such as banks or corporations, purchase the tax credits for about 80 cents on the dollar, and their money serves as equity in a project, reducing the amount of the debt service and consequently the rents. The program mandates that at least 20% of the units must be made affordable to households earning within 50% of median income or 40% of the units must be affordable to households earning up to 60% of median income. Those projects that receive the 9% tax credits must produce much higher percentages of affordable units.

The Massachusetts Legislature has enacted a comparable state tax credit program, modeled after the federal tax credit program. The One Stop Application is also used to apply for this source of funding.

e) AFFORDABLE HOUSING TRUST FUND

The Affordable Housing Trust Fund (AHTF) was established by an act of the State Legislature and is codified under Chapter 121-D of the Massachusetts General Laws. The AHTF operates out of DHCD and is administered by MassHousing with guidance provided by an Advisory Committee of housing advocates. The purpose of the fund is to support the creation/preservation of housing that is affordable to people with incomes that do not exceed 110% of the area median income. The AHTF can be used to support the acquisition, development and/or preservation of affordable housing units. AHTF assistance can include:

- Deferred payment loans, low/no-interest amortizing loans.
- Down payment and closing cost assistance for first-time homebuyers.
- Credit enhancements and mortgage insurance guarantees.
- Matching funds for municipalities that sponsor affordable housing projects.
- Matching funds for employer-based housing and capital grants for public housing.

Funds can be used to build or renovate new affordable housing, preserve the affordability of subsidized expiring use housing, and renovate public housing. While the fund has the flexibility of serving households with incomes up to 110%, preferences for funding will be directed to projects involving the production of new affordable units for families earning below 80% of median income. The program also includes a set-aside for projects that serve homeless households or those earning below 30% of median

income. Once again, the One Stop Application is used to apply for funding, typically through the availability of two funding rounds per year.

f) HOUSING INNOVATIONS FUND (HIF)

The state also administers the Housing Innovations Fund (HIF) that was created by a 1987 bond bill and expanded under two subsequent bond bills to provide a 5% deferred loan to non-profit organizations for no more than \$500,000 per project or up to 30% of the costs associated with developing alternative forms of housing including limited equity coops, mutual housing, single-room occupancy housing, special needs housing, transitional housing, domestic violence shelters and congregate housing. At least 25% of the units must be reserved for households earning less than 80% of median income and another 25% for those earning within 50% of area median income. HIF can also be used with other state subsidy programs including HOME, HSF and Low Income Housing Tax Credits. The Community Economic Development Assistance Corporation (CEDAC) administers this program. Applicants are required to complete the One-Stop Application.

g) FEDERAL HOME LOAN BANK BOARD'S AFFORDABLE HOUSING PROGRAM (AHP)

Another potential source of funding for both homeownership and rental projects is the Federal Home Loan Bank Board's Affordable Housing Program (AHP) that provides subsidies to projects targeted to households earning between 50% and 80% of median income, with up to \$300,000 available per project. This funding is directed to filling existing financial gaps in low- and moderate-income affordable housing projects. There are typically two competitive funding rounds per year for this program.

h) MHP PERMANENT RENTAL FINANCING PROGRAM

The state also provides several financing programs for rental projects through the Massachusetts Housing Partnership Fund. The Permanent Rental Financing Program provides long-term, fixed-rate permanent financing for rental projects of five or more units from \$100,000 loans to amounts of \$2 million. At least 20% of the units must be affordable to households earning less than 50% of median income or at least 40% of the units must be affordable to households earning less than 60% of median income or at least 50% of the units must be affordable to households earning less than 80% of median income. MHP also administers the Permanent Plus Program targeted to multi-family housing or SRO properties with five or more units where at least 20% of the units are affordable to households earning less than 50% of median income. The program combines MHP's permanent financing with a 0% deferred loan of up to \$40,000 per affordable unit up to a maximum of \$500,000 per project. No other subsidy funds are allowed in this program. The Bridge Financing Program offers bridge loans of up to eight years ranging from \$250,000 to \$5 million to projects involving Low Income Housing Tax Credits. Applicants should contact MHP directly to obtain additional information on the program and how to apply.

i) ONESOURCE PROGRAM

The Massachusetts Housing Investment Corporation (MHIC) is a private, non-profit corporation that since 1991 has provided financing for affordable housing developments and equity for projects that

involve the federal Low Income Housing Tax Credit Program. MHIC raises money from area banks to fund its loan pool and invest in the tax credits. In order to qualify for MHIC's OneSource financing, the project must include a significant number of affordable units, such that 20% to 25% of the units are affordable to households earning within 80% of median income. Interest rates are typically one point over prime and there is a 1% commitment fee. MHIC loans range from \$250,000 to several million, with a minimum project size of six units. Financing can be used for both rental and homeownership projects, for rehab and new construction, also covering acquisition costs with quick turn-around times for applications of less than a month (an appraisal is required). The MHIC and MHP work closely together to coordinate MHIC's construction financing with MHP's permanent take-out through the OneSource Program, making their forms compatible and utilizing the same attorneys to expedite and reduce costs associated with producing affordable housing.

j) SECTION 8 RENTAL ASSISTANCE

An important low-income housing resource is the Section 8 Program that provides rental assistance to help low- and moderate-income households pay their rent. In addition to the federal Section 8 Program, the state also provides rental subsidies through the Massachusetts Rental Voucher Program as well as three smaller programs directed to those with special needs. These rental subsidy programs are administered by the state or through local housing authorities and regional non-profit housing organizations. Rent subsidies take two basic forms – either granted directly to tenants or committed to specific projects through special Project-based rental assistance. Most programs require households to pay a minimum percentage of their adjusted income (typically 30%) for housing (rent and utilities) with the government paying the difference between the household's contribution and the actual rent.

k) MASSACHUSETTS PRESERVATION PROJECTS FUND

The Massachusetts Preservation Projects Fund (MPPF) is a state-funded 50% reimbursable matching grant program that supports the preservation of properties, landscapes, and sites (cultural resources) listed in the State Register of Historic Places. Applicants must be municipality or non-profit organization. Funds can be available for pre-development including feasibility studies, historic structure reports and certain archaeological investigations of up to \$30,000. Funding can also be used for construction activities including stabilization, protection, rehabilitation, and restoration or the acquisition of a state-registered property that are imminently threatened with inappropriate alteration or destruction. Funding for development and acquisition projects ranges from \$7,500 to \$100,000. Work completed prior to the grant award, routine maintenance items, mechanical system upgrades, renovation of non-historic spaces, moving an historic building, construction of additions or architectural/engineering fees are not eligible for funding or use as the matching share. A unique feature of the program allows applicants to request up to 75% of construction costs if there is a commitment to establish a historic property maintenance fund by setting aside an additional 25% over their matching share in a restricted endowment fund. A round of funding was recently held, but future rounds are not authorized at this time.

l) DISTRICT IMPROVEMENT FINANCING PROGRAM (DIF)

The District Improvement Financing Program (DIF) is administered by the state's Office of Business Development to enable municipalities to finance public works and infrastructure by pledging future incremental taxes resulting from growth within a designated area to service financing obligations. This Program, in combination with others, can be helpful in developing or redeveloping target areas of a community, including the promotion of mixed-uses and smart growth. Municipalities submit a standard application and follow a prescribed application process directed by the Office of Business Development in coordination with the Economic Assistance Coordinating Council.

m) URBAN CENTER HOUSING TAX INCREMENT FINANCING ZONE (UCH-TIF)

The Urban Center Housing Tax Increment Financing Zone Program (UCH-TIF) is a relatively new state initiative designed to give cities and towns the ability to promote residential and commercial development in commercial centers through tax increment financing that provides a real estate tax exemption on all or part of the increased value (the "increment") of the improved real estate. The development must be primarily residential and this program can be combined with grants and loans from other local, state and federal development programs. An important purpose of the program is to increase the amount of affordable housing for households earning at or below 80% of area median income and requires that 25% of new housing to be built in the zone be affordable, although the Department of Housing and Community Development may approve a lesser percentage where necessary to insure financial feasibility. In order to take advantage of the program, a municipality needs to adopt a detailed UCH-TIF Plan and submit it to DHCD for approval.

n) COMMUNITY BASED HOUSING PROGRAM

The Community Based Housing Program provides loans to nonprofit agencies for the development or redevelopment of integrated housing for people with disabilities in institutions or nursing facilities or at risk of institutionalization. The Program provides permanent, deferred payment loans for a term of 30 years, and CBH funds may cover up to 50% of a CHA unit's Total Development Costs up to a maximum of \$750,000 per project.

o) MASSWORKS

The newly established MassWorks Infrastructure Program issued its first round of grants in November 2011. MassWorks is administered by the Executive Office of Housing and Economic Development (HED) and represents a consolidation of six capital budget programs, giving communities a single entry point and one set of requirements for the state's public infrastructure grants. The consolidation created efficiencies and streamlined the decision-making process, increasing access for municipalities and enhancing partnerships around economic development and housing.

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

- Public Works Economic Development (PWED)

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

The MassWorks Infrastructure Program provides public infrastructure grants that support four project types:

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

A program overview, guidelines can be found at <http://www.mass.gov/hed/economic/eohed/pro/the-massworks-infrastructure-program.html>.

### 3. HOMEBUYER FINANCING AND COUNSELING

#### a) SOFT SECOND LOAN PROGRAM

The Massachusetts Housing Partnership Fund, in coordination with the state's Department of Housing and Community Development, administers the Soft Second Loan Program to help first-time homebuyers purchase a home. The Program began in 1991 to help families earning up to 80% of median income qualify for a mortgage through a graduated-payment second mortgage and down payment assistance. Just recently the state announced that it had lent \$1 billion in these affordable mortgages. Participating lenders originate the mortgages which are actually split in two with a conventional first mortgage based on 77% of the purchase price, the soft second mortgage for typically about 20% of the purchase price (or \$20,000 if greater) and a requirement from the buyer of at least a 3% down payment. Borrowers do not need to purchase private mortgage insurance that would typically be required with such a low down payment, thus saving the buyer significant sums on a monthly basis. Program participants pay interest only on the soft second mortgage for the first ten years and some eligible buyers may qualify for an interest subsidy on the second mortgage as well. Additionally, some participating lenders and communities offer grants to support closing costs and down payments and slightly reduced interest rates on the first mortgage.

#### b) AMERICAN DREAM DOWN PAYMENT ASSISTANCE PROGRAM

The American Dream Down Payment Assistance Program is also awarded to municipalities or non-profit organizations on a competitive basis to help first-time homebuyers with down payments and closing costs. While the income requirements are the same as for the Soft Second Program, the purchase price levels are higher based on the FHA mortgage limits. Deferred loans for the down payment and closing costs of up to 5% of the purchase price to a maximum of \$10,000 can be made at no interest and with a five-year term, to be forgiven after five years. Another loan can be made through the program to cover

deleading in addition to the down payment and closing costs, but with a ten-year term instead, with at least 2.5% of the purchase price covering the down payment.

c) HOMEBUYER COUNSELING

There are a number of programs, including the Soft Second Loan Program and MassHousing's Home Improvement Loan Program, as well as Chapter 40B homeownership projects that require purchasers to attend homebuyer workshops sponsored by organizations that are approved by the state, Citizens Housing and Planning Association (CHAPA) and/or HUD as a condition of occupancy. These sessions provide first-time homebuyers with a wide range of important information on homeownership finance and requirements. The organizations that offer these workshops in closest proximity to Upton include NeighborWorks Homeownership Center of Worcester and the Southern Worcester County Community Development Corporation.

d) SELF-HELP HOUSING.

Self-Help programs involve sweat-equity by the homebuyer and volunteer labor of others to reduce construction costs. Some communities have donated building lots to Habitat for Humanity to construct affordable single housing units. Under the Habitat for Humanity program, homebuyers contribute between 300 and 500 hours of sweat equity while working with volunteers from the community to construct the home. The homeowner finances the home with a 20-year loan at 0% interest. As funds are paid back to Habitat for Humanity, they are used to fund future projects.

4. HOME IMPROVEMENT FINANCING

a) MASSHOUSING HOME IMPROVEMENT LOAN PROGRAM (HILP)

The MHFA Home Improvement Loan Program (HILP) is targeted to one- to four-unit, owner-occupied properties, including condominiums, with a minimum loan amount of \$10,000 up to a maximum of \$50,000. Loan terms range from five to 20 years based on the amount of the loan and the borrower's income and debt. MassHousing services the loans. Income limits are \$92,000 for households of one or two persons and \$104,000 for families of three or more persons. To apply for a loan, applicants must contact a participating lender.

b) GET THE LEAD OUT PROGRAM

MassHousing's Get the Lead Out Program offers 100% financing for lead paint removal on excellent terms that are based on ownership status and type of property. An owner-occupied, single-family home may be eligible to receive a 0% deferred payment loan up to \$20,000 that is due when the house is sold, transferred or refinanced. An owner-occupant of a two-family house could receive up to \$25,000 to conduct the de-leading work. Maximum income limits for owner-occupants are \$74,400 for one and two-person households and \$85,500 for three or more persons. Investor-owners can also participate in the program but receive a 5% fully amortizing loan to cover costs. Non-profit organizations that rent properties to income-eligible residents are also eligible for 0% fully amortizing loans that run from five to 20 years. Applicants must contact a local rehabilitation agency to apply for the loan.

c) SEPTIC REPAIR PROGRAM

Through a partnership with the Massachusetts Department of Environmental Protection and Revenue, MassHousing offers loans to repair or replace failed or inadequate septic systems for qualifying applicants. The interest rates vary according to the borrower's income with 0% loans available to one and two-person households earning up to \$23,000 and three or more person households earning up to \$26,000 annually. There are 3% loans available for those one or two person households earning up to \$46,000 and three or more persons earning up to \$52,000. Additionally, one to four-family dwellings and condominiums are eligible for loan amounts of up to \$25,000 and can be repaid in as little as three years or over a longer period of up to 20 years. To apply for a loan, applicants must contact a participating lender.

d) USDA RURAL HOUSING SERVICE, HOUSING PRESERVATION GRANT (HPG)  
PROGRAM

The HPG program is a grant program which provides qualified public agencies, private non-profits organizations, which may include, but not limited to faith-based and community organizations, and other eligible entities grant funds to assist very low and low-income homeowners in repairing and rehabilitating their home in rural areas. In addition the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low and very low income persons.



## APPENDIX E – 1.5% LAND AREA MINIMUM CALCULATION

The implementation of Chapter 40B, the so-called anti-snob zoning law is a matter of concern in nearly all communities, as is the need for housing. Many local officials are aware of the 10% subsidized housing unit threshold above which the law cannot be invoked by developers via appeal to the State Housing Appeals Committee.

Less recognized are provisions within Chapter 40B that set general land area minima for assisted housing which once met also preclude developers' appeals to the State Housing Appeals Committee. After the exclusion of specified undevelopable areas, these minima for assisted housing areas are 1.5% of all remaining zoned acreage or 0.3% of all remaining zoned acreage annually. The Town, with CMRPC's assistance, has estimated these land area minima for Upton using the information generated during the state-sponsored "build-out" process and the resulting table is attached. If 1.5% land area is reached, unless the existing SHI units lose their affordability status, a town has met its statutory minimum and can successfully deny comprehensive permit applications.

This table and its calculations have not been preapproved by the State Housing Appeals Committee or the Department of Housing and Community Development (DHCD). These calculations begin by determining the total zoned municipal land area. For Upton this is 13,856 acres. The next step was to subtract land that is essentially constrained, unbuildable or "unavailable". There are many specifications about what qualifies as "unavailable land". The total unavailable land for Upton is 6,744 acres, leaving a net available land of 7,112 acres. The minimum land area threshold of 1.5% for the Town is 107 acres and the yearly minimum is 21.3 acres.

From these acreage calculations, the next step was to subtract the acreage already committed to subsidized housing in the community. The 1.5% figure is 107 acres. The inventory of existing and building permitted assisted housing covers approximately 50 acres. The current calculation suggests that approximately 49 acres (significantly less than the 107 acres or 1.5% of available land) is developed as affordable housing as listed on the current SHI. This rough calculation demonstrates that Upton would not likely meet the 1.5% minimum affordable housing land area. A thorough verification of all the information in the tables below is needed.

Zoned Land		Acres	% of total acres
	Single Residential A (SRA)	501	3.62
	Single Residential B (SRB)	398	2.87
	Single Residential C (SRC)	1,146	8.27
	Single Residential D (SRD)	646	4.66
	Agricultural Residential (AR)	10,263	74.08

	General Business (GB)	319	2.30
	Commercial & Industrial (C&I)	572	4.13
	Municipal Government Facilities (MGF)	12	0.09
<b>Total land (0 acres in Upton is unzoned)</b>		<b>13,856</b>	
<b>Total unavailable land</b> (including federal or state ownership, DEP Exclusions, Water Bodies, Flood plain, conservation, open space where residential is prohibited)		6,744	
<b>Available land = Total land less Total unavailable land</b>		<b>7,112</b>	
1.5% ( Available land) minimum		107	
0.3% yearly minimum or 10 acres		21.3	

#### Estimated allowed acreage of Existing Affordable Housing

Development	Location	Affordable units	Affordable unit acreage
Coach Road Apartments	4 Hartford Avenue	40	<3
Millhaus at Upton	Main Street	89	<5
Upton Inn	135 Main Street	34	<5
DMR Group Homes	Confidential	na	<5
Samreen Villa I	Knowlton Circle	13	~26
Samreen Villa II	Maple Grove	2	~5
<b>Total Affordable Housing Development Acreage</b>			<b>49</b>

With maximum estimates for the land for affordable housing in Upton, the town does not reach the threshold of 107 acres of affordable housing needed to meet the 1.5% minimum land criteria.

#### Notes:

- The Upton Build –out Analysis performed by CMRPC in 2000 was the basis of these estimates.
- Only those areas of affordable housing development attributed to the housing unit may be factored in. Common areas and open spaces, roads, are not part of the acreage attributable to the affordable housing development.

APPENDIX F. BOARD OF SELECTMEN LETTER REGARDING PUBLIC LAND



Board of Selectmen

**Town of Upton**



**Massachusetts**

**BOARD OF SELECTMEN**

**Robert J. Fleming, Chairman**

**Kenneth E. Picard**

**James A. Brochu**

**TOWN MANAGER**

**Blythe C. Robinson**

1 Main Street, Box 1, Upton, MA 01568

Tel: 508-529-6901 Fax: 508-529-1010

brobinson@upton.ma.us

February 2, 2012

Ms. Joan Shanahan, Chairperson  
Local Community Housing Partnership Committee  
Town of Upton  
1 Main Street  
Upton, MA 01568

**RE: Affordable Housing Plan**

Dear Ms. Shanahan,

At their meeting on November 15, 2011 the Board of Selectmen discussed the request from the Partnership Committee to include in the Affordable Housing Plan the parcel referenced as Map/Lot 204/31 (Grantor George Rhodes)..

The Selectmen voted in favor of this request to include this parcel as available to include in this plan. Should you need them, minutes of the meeting are available in our office.

Should you have any questions or need additional information please do not hesitate to contact me.

Sincerely,

Blythe C. Robinson  
Town Manager



APPENDIX G: PLANNING BOARD AND BOARD OF SELECTMEN'S SUPPORT



# PLANNING BOARD

Town of Upton



Massachusetts

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E-Mail: [PlanningBoard@upton.ma.us](mailto:PlanningBoard@upton.ma.us)  
Phone: (508) 529-1008

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1 Main St, Box 10  
Upton, Massachusetts 01568

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## INTEROFFICE MEMORANDUM

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**TO:** KEN PICARD, CHAIRMAN, BOARD OF SELECTMEN  
**FROM:** DENISE SMITH, ADMINISTRATIVE ASSISTANT  
**SUBJECT:** AFFORDABLE HOUSING PLAN  
**DATE:** JUNE 19, 2012  
**CC:** BLYTHE ROBINSON, TOWN MANAGER  
LOCAL COMMUNITY HOUSING PARTNERSHIP COMMITTEE

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Please be advised that at the Planning Board meeting on June 12, 2012 the Board voted unanimously (4 – 0) to adopt the Upton Affordable Housing Plan.

## PLANNING BOARD

Town of Upton



Massachusetts

E-Mail: [planningboard@upton.ma.us](mailto:planningboard@upton.ma.us)  
Phone: (508) 529-1008

1 Main St, Box 10  
Upton, Massachusetts 01568

### **Upton Planning Board Meeting Minutes** (transcribed from hand-written record)

Meeting Date: June 12, 2012 – 7:00 PM

Location: Nipmuc Regional High School

Members Present:

Regular Members: Tom Davidson, Paul Carey, Gary Bohan, and Ray Smith  
Associate Member: Bill Tessmer

Previous meeting minutes read and approved.

Treasurer's report given and approved.

Discussion regarding request by Capital Budget Committee for a large map showing Town owned land. Ms. Smith will discuss with CMRPC.

Office report. Ms. Smith discussed a need for a new and larger monitor and a scanner. Board voted to acquire a new monitor for not more than \$200.

Discussion re: Adams Street Cell Tower. Applicant has promised to deliver fees. Moved to set Public Hearing for 7:15 pm on July 10.

Form A - Prospect Street (#3) for Vecchiola. Prior deficiencies were addressed and plans were endorsed.

9 Christian Hill Road Large Lot Frontage Plan. Plan was previously approved. Board endorsed the plans.

Mr. Bohan updated the Board on the presentation to the BOS of the Railroad Fact Finding Committee. No action has been taken by the BOS to date.

**Mr. Tessmer requested that the Board vote to adopt the Upton Affordable Housing Plan - Approved unanimously.**

Upton Development Group Mr. Roux presented plans regarding property off Maple Avenue. The applicants are trying to close out the landfill. To do so they need to redraw the lot lines and ultimately transfer property to the State. Mr. Davidson expressed some concerns and asked for a review by the Board's engineer.

Meeting adjourned 7:50 p.m.

Board of Selectmen

**Town of Upton**

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**Massachusetts**

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BOARD OF SELECTMEN  
Kenneth E. Picard, Chairman  
James A. Brochu  
Robert J. Fleming

TOWN MANAGER  
Blythe C. Robinson  
1 Main Street, Box 1, Upton, MA 01568  
Tel: 508-529-6901 Fax: 508-529-1010  
brobinson@upton.ma.us

July 11, 2012

Mr. Aaron Gornstein, Undersecretary  
Department of Housing & Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Attn: Mary Jane Gandolfo/Phil DeMartino

**RE: Upton, Massachusetts Housing Production Plan**

Dear Mr. Gornstein;

The 2012 Upton Housing Production Plan is enclosed. The Upton Planning Board and the Upton Board of Selectmen have reviewed the 2012 Upton Housing Production Plan prepared by Central Massachusetts Regional Planning Commission on behalf of the Upton Local Community Housing Partnership Committee (LCHPC). Both bodies have adopted this document as the Town of Upton's Affordable Housing Plan.

We feel the document complies with guidelines described in 760 CMR 56.03(4) and such request DHCD's review and approval.

If you have any questions, please do not hesitate to contact:

Blythe Robinson, Town Manager  
1 Main Street Box 1  
Upton MA 01568  
Telephone: 508-529-6901  
Fax: 508-529-1010

Thank you for your prompt attention to this matter. We look forward to hearing from you.

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Respectfully,

Kenneth E. Picard  
Upton Chief Executive Officer  
Chairman, Upton Board of Selectmen

Enclosure

**BOARD OF  
SELECTMEN  
MEETING  
MINUTES**

**July 10, 2012**

Fire & EMS Headquarters, 20 Church Street , Training Room  
Chairman Kenneth Picard, Selectman Robert J. Fleming,  
Selectman James A. Brochu, Town Manager, Blythe C.  
Robinson, Department Coordinator, Sandra Hakala

1 The meeting was called to order at 6:00pm.

2 Chairman Picard opened the meeting and after the pledge of allegiance he reviewed the agenda.

3 Chairman Picard stated that the Board will enter into executive session under MGL c. 30A, sec.  
4 21 exception #6, Land values at the end of their regular session. After completion, the Board will  
5 reconvene their regular session for adjournment only.

6 ***Motion #1:*** Motion made by Selectman Fleming to approve as written the June 19, 2012 Regular  
7 Session Meeting Minutes.

8 Second: Selectman Brochu, Unanimous: Chairman Picard.

9

10 **INVITED GUESTS**

11

12 Chairman Picard invited the Recreation Commission Chairman, Richard Gazoorian, Paul  
13 Pirozzi, and Richard La Grasse to address the results of the RFP that was distributed seeking  
14 land for a future Recreation Park, and their recommendation as to which parcel of the two  
15 submitted, one for a property on East Street, and the other for the parcel that has already been  
16 under consideration on South Street should be pursued for purchase by the Town. Both met the  
17 minimum criteria in order to be considered.

18

19 The South Street property was rated highly advantageous in almost every category. The  
20 information items included in the RFP and the Committee's viewpoint on the impact to the Town  
21 by purchasing either parcel and the resulting loss in tax revenue were analyzed. When all of the  
22 factors were considered, the South Street parcel was rated most advantageous by the Committee.

23

24 The Commission recommended that the Town continue to pursue the property on South Street.

25

26 Ms. Robinson offered some background on the decision how to seek other suitable parcels  
27 available in town after the Board of Selectmen decided to pass over a warrant article at the  
28 Special Town Meeting in April. She stated that a request for proposals was put out in May,  
29 seeking parcels of land of at least 30 acres for this purpose. She also mentioned that suitability as  
30 well as cost was determining factors. In regards to the proposed price, the land on South Street  
31 becomes the recommended parcel by the subcommittee and the Recreation Commission. The  
32 price is almost \$1,000,000 less than the purchase of 18 less acres on East Street (the portion in

33 Upton). When comparing the buildable acres between these two parcels the South Street parcel  
34 offers 50 acres, while the East Street parcel just 25. While the South Street parcel may have  
35 higher up-front costs spent on design, engineering and traffic studies, the long term potential of  
36 this site makes it a better investment for the Town.

37  
38 Selectman Fleming stated that he appreciated the initiative the Town Manager and the  
39 Recreation Commission took. Selectman Brochu also reiterated the comments of Selectman  
40 Fleming and thanked the Commission for their efforts and was pleased that they held back and  
41 listened to the citizens and did their homework.

42  
43 Ms. Robinson informed the Selectmen that if they wish to move forward the Recreation  
44 Commission recommends the following steps:

- 45
- 46 • Negotiate a purchase and sale agreement satisfactory to both parties
- 47 • Undertake another RFP process to select an architectural and engineering firm to perform  
48 the initial design work, studies and surveys needed to complete the permitting process.  
49 Determine the cost of this phase of work, as well as possible future phases
- 50 • Meet with the relevant Town Boards (Capital Budget, Finance, Community Preservation  
51 Committee) to seek support for funding to design and possibly purchase the property
- 52 • Sponsor a warrant article at a fall special Town Meeting to ask the voters to approve  
53 funds for design, and then depending on the outcome of this, purchase of the parcel.
- 54 • Complete the design and approval process, and purchase the property
- 55 • Seek grants, fundraising and other sources of funds to complete design. Determine how  
56 the property can be developed over a period of time, and the maintenance costs to do so.

57 **Motion #2:** Motion made by Selectman Fleming to move forward with the recommendations  
58 made by the Recreation Commission including to negotiate a purchase and sale agreement for  
59 the South Street parcel.

60 Second: Selectman Brochu, Unanimous: Chairman Picard.

61 **TOWN MANAGER'S REPORT**

62 The Board invited Ms. Robinson to give her weekly report.

63 Ms. Robinson introduced Michael Gleason to the Board of Selectmen. He is the new reporter at  
64 The Milford Daily News retained to cover Upton. She met with him on Thursday and brought  
65 him up to speed on the issues in Upton.

66 Ms. Robinson told the Board the Town was pleased to learn that efforts made by the  
67 Conservation Commission to get the State DCR to assist in the solution to the beaver problems  
68 on Southborough Road were realized when the State came up with some funds to pay for the  
69 relocation of the beaver deceivers on the north side of the bog away from the road. This work  
70 involved moving them to where the water more naturally flows, so that the trail and road would  
71 be less impacted by water. Hopefully, this will result in a more long term solution to this issue  
72 and less cost to the town she stated.

73 The Town Manager was notified by the Grafton Upton Railroad that the project to install  
74 insulation on the intake chutes for the wood pellet building on the property has been completed.  
75 The intent is to reduce the noise level to the neighbors when this work is in process.

76 The Selectmen's Office has been getting complaints from neighbors in the area of the South  
77 Street gravel pits regarding the number of truck trips per day, routes the trucks are taking, timing  
78 of truck traffic, etc. Ms. Robinson reminded the owner and the company with which they have  
79 contracted to operate the pit of the obligations under the permit and asked them to make sure  
80 they are in compliance. She has also asked the Police Department to keep an eye on this.

81 Ms. Robinson reported to the Board that the new ambulance has arrived. The Department is in  
82 the process of moving equipment to it and installing radios, etc. and the updated version of the  
83 Town Seal on the doors look great. The old ambulance will be turned in, as a trade in was part of  
84 the process.

85 Ms. Robinson, DPW, and Recreation Commission's Chair met with the architect for Leland  
86 Field to discuss the status of the field and address some issues that we have there. The contractor  
87 has not mowed the grass lately and it has gotten quite long. There were also some concerns staff  
88 had over the final design of the field with regard to drainage. It was agreed that the architect will  
89 send a letter to the contractor advising him that he must either mow the grass immediately in a  
90 manner that protects the investment, or the Town will utilize the remaining funds to do so and  
91 charge him for that. Some additional investigation with regard to the grades will also be done to  
92 see if the areas were built according to plan Ms. Robinson told the Board.

93 On Tuesday the Ford Explorer that has been assigned to the Fire/EMS Department had to be  
94 taken out of service. The transmission failed when the employee driving it sought to leave a  
95 house inspection to return to work. It has been examined by DPW and they've determined it  
96 should be disposed of. A warrant article was recently passed on this at Town Meeting to  
97 purchase a new pickup truck for the department, and the current one would be repurposed for  
98 EMS and other uses for which a smaller vehicle is suited. The truck has been ordered and is  
99 expected in mid-summer.

100 On Tuesday a pre-construction meeting was held with the contractor who will be building the  
101 water main for Well Field #3. That company intends to start mobilizing for the project, and  
102 begin construction on Monday, July 23rd. The Town will keep residents apprised of any impact  
103 to the street during this period in hopes of minimizing any inconveniences to them.

104 The Town Manager posted a number of items to the Public Surplus auction website for disposal,  
105 including the latest 5-ton plow truck that was replaced. She will tell the Board you the outcome  
106 of this effort when the auction closes.

107 **INVITED GUESTS**

108  
109 The Board invited Bruce Kut to discuss the Pole Petition by National Grid on 40-60 Warren  
110 Street. Plan # 8278116.

111 Chairman Picard proceeded to open a Public Hearing at 6:15PM pertaining to the Petition by  
112 National Grid to install new 40-60 Warren Street approximately 5 feet off edge of roadway. The

113 pole is necessary to provide service to a new cell tower. DPW has reviewed the location and has  
114 no issue with that. Mr. Kut stated that to move completion of the tower along the cell company  
115 has decided to put in a private electrical service from the street to the tower, and that requires a  
116 new pole to be set. It is anticipated that the tower may be in service approximately a month after  
117 the hearing.

118 Chairman Picard asked if there were any questions. There were none.

119

120 **Motion #3:** Motion made by Selectman Fleming to close the Public Hearing.

121

122 Second: Selectman Brochu, Unanimous: Chairman Picard.

123

124 **Motion #4:** Motion made by Selectman Fleming that the Town of Upton grants permission to  
125 National Grid to install new P40-60 Warren Street approximately 5 feet off edge of roadway to  
126 provide service to a new cell tower.

127

128 Second: Selectman Brochu, Unanimous: Chairman Picard.

129

130 **DISCUSSION ITEMS:**

131

132 *Discussion on Town of Upton Other Post-Employment Benefits (“OPEB”) Trust Agreement*

133 Ms. Robinson gave an over view on the OPEB Trust Document. At the May, 2011 Town  
134 Meeting a warrant article was proposed and approved that accepted the relevant chapter and  
135 section of the Massachusetts General Laws to set up a trust to use as a vehicle to fund the  
136 Town’s future obligations for the payment of other post-employment benefits, commonly  
137 referred to as “OPEB”. The article also approved initial funding for the trust of \$5,000, to which  
138 \$10,000 was added at this year’s annual meeting. She informed the Selectmen that currently  
139 there are 12 retirees and/or their spouses on such health insurance plans, and the cost of them is  
140 paid for in the annual operating budget. But with 53 employees who have insurance and are  
141 eligible to retire in future years that annual cost will grow, hence the need for the trust. She asked  
142 that the Board to decide who the trustees will be. Town Counsel recommends that the members  
143 would be the Town Accountant, Town Treasurer, a Selectman and two other residents appointed  
144 by the Selectmen. Ms. Robinson asked that the Selectmen make a decision on the makeup of the  
145 trust commissioners and that the document be executed following this decision and  
146 recommended to the Board to approve the trust document.

147

148 Selectman Fleming was in total agreement with the plan and suggested it was better to be  
149 appointed as a Trustee based on qualifications rather than just having elected officials serve.  
150 Selectmen Fleming said this suggestion mirrored those recommendations of the auditors.  
151 Selectmen Brochu would also like the Trustees to be appointed. Chairman Picard noted that he is  
152 in favor of having the elected Commissioners of Trust Funds serve in this role instead of the  
153 proposed five members Board.

154

155 **Motion #5:** Motion made by Selectman Fleming to adopt the Town of Upton Other Post-  
156 Employment Benefits (“OPEB”) Trust Agreement as submitted.

157  
158 Second: Selectman Brochu. Chairman Picard voted against this motion and asked that the record  
159 reflect that a majority of the Board is in favor.

160  
161 **Motion #6:** Motion made by Selectman Fleming that each year the Board of Selectman  
162 Chairman be the appointed Trustee for the Town of Upton Other Post-Employment Benefits  
163 (“OPEB”) Trust

164  
165 Second: Selectman Brochu, Unanimous: Chairman Picard.

166  
167 Discussion on BOS Appointments  
168 The outstanding appointments from the June 19th Selectmen’s meeting was discussed. The  
169 Public Works Director is working on a job description for the Tree Warden/Superintendent of  
170 Pest Control position which will be ready for the July 24th meeting.

171  
172 **Motion #7:** Motion made by Selectman Fleming to appoint, Shaun Marchand – 2 years, Chief  
173 Aaron Goodale – 1 year, Nader Hamed – 2 years, and Daniel Lazarz – 2 years to the Fire & EMS  
174 Advisory Committee

175  
176 Second: Selectman Brochu, Unanimous: Chairman Picard

177  
178 Discussion on Status of MURSD Secession Committee  
179 A letter from the MURSD Secession Committee informing the Board that currently there are  
180 only three members and they believe they are unable to complete the charge they have been  
181 given. They are seeking further direction from the Board as to whether they will appoint any  
182 new members, or should they turn in the information they have gathered up to this point.

183  
184 Selectman Fleming stated that since this committee was first established its intent has waned and  
185 accepted the great service they have done to date. Selectman Brochu stated that since there was  
186 renewed confidence in the school committee he would like to see an executive summary and the  
187 Board would make a determination after that. Ms. Robinson will draft a letter to the MURSD  
188 Secession Committee requesting this.

189  
190 Motion to Designate all call/volunteer EMT’s & Firefighters as Special Municipal Employees  
191 The Town received a letter from David Harrison, who serves as an EMT, who is requesting that  
192 all on call/volunteer EMT’s and Firefighters in the Fire/EMS Department be designated as  
193 special municipal employees. Ms. Robinson stated that she found that his request is in order as  
194 persons in these categories work part-time that allows them to hold another job during regular  
195 business hours after reviewing both information from the State Ethics Commission’s website on  
196 this topic This designation would allow the employee to represent parties before other boards  
197 under certain conditions, and act as an agent for private parties in connection with a matter of  
198 interest in the Town. Ms. Robinson recommended that the Board vote to designate both  
199 positions as “Special Municipal Employees”.

200

201 **Motion #7:** Motion made by Selectman Fleming to designate all on call/volunteer EMT's and  
202 Firefighters in the Fire/EMS Department are designated as special municipal employees.

203  
204 Second: Selectman Brochu, Unanimous: Chairman Picard

205  
206 Discussion on Railroad Fact Finding Committee's Report

207 At the last meeting the Board decided to accept the RFFC report, and asked that the questions  
208 posed by the RFFC and the question asked by the Planning Board be forwarded to Town Counsel  
209 for their review and response. The Town is waiting for a response from Town Counsel.

210  
211 Motion to adopt the Affordable Housing Plan; execute a letter to the Department of Housing &

212 Community Development for Plan approval

213 In order for the Affordable Housing Plan to be fully implemented, both the Town's Planning  
214 Board and Board of Selectmen need to vote to adopt the plan. The Planning Board has adopted  
215 the plan.

216  
217 **Motion #8:** Motion made by Selectman Fleming to adopt the Affordable Housing Plan for the  
218 Town of Upton and execute a letter to the Department of Housing & Community Development  
219 for Plan approval.

220  
221 Second: Selectman Brochu, Unanimous: Chairman Picard

222  
223 Motion to Award Road Reconstruction and Repairs Contract

224 Jeff Thompson, DPW Director recommended that a contract be awarded to Murray Paving for  
225 work on various roads in Upton that will be funded by State Chapter 90 funds. Ms. Robinson  
226 concurs with his recommendation and asked the Board approve it, and give the Town Manager  
227 the authority to execute the contracts.

228  
229 **Motion #8:** Motion made by Selectman Brochu to Award the Road Reconstruction and Repairs  
230 Contract to Murray Paving for \$271,536 plus contingencies to work on various roads in Upton  
231 that will be funded by State Chapter 90 funds and give the Town Manager the authority to  
232 execute the contract.

233  
234 Second: Selectman Fleming, Unanimous: Chairman Picard

235  
236 Motion to authorize filing of a State PARC Grant

237 An application to the State Division of Conservation Services for the Town to request a \$400,000  
238 grant under the Parkland Acquisitions and Renovations for Communities (PARC) Grant Program  
239 was discussed by the Selectmen, Ms. Robinson and Chairman of the Recreation Commission  
240 Richard Gazoorian.

241  
242 With the resolution by the Recreation Commission that the Town pursue the purchase of the land  
243 on South Street for a future recreation park facility, the Recreation Commission with support  
244 from their field subcommittee and the Conservation Commission have put together an  
245 application for this grant. If awarded in full, it would provide \$400,000 of the \$624,000 that had

246 previously been negotiated with the property owner. It is the Recreation Commission's intent to  
247 submit to the State by the July 12th deadline the application with the approval of the Selectmen.  
248

249 Ms. Robinson informed the Selectmen that if the Town is successful in winning the grant a  
250 Special Town Meeting will need to be held this fall to ask the voters for approval of funds to  
251 complete initial design and permitting of the property. If that is successful then the acquisition  
252 would take place after that, but no later than June 30, 2013 under the terms of the grant.  
253

254 **Motion #9:** Motion made by Selectman Fleming to approve and submit an application to the  
255 State Division of Conservation Services for the Town to request a \$400,000 grant under the  
256 Parkland Acquisitions and Renovations for Communities (PARC) Grant Program.

257 Second: Selectman Brochu, Unanimous: Chairman Picard.

258

259 **BOARD OF SELECTMEN'S ACTION PLAN REVIEW**

260

261 Policy & Procedure for review and release of BoS executive session records, draft

262 Chairman Picard reviewed the log with the Selectman and discussed which sessions are to be  
263 released.  
264

265 **Motion #10:** Motion made by Selectman Fleming to release BoS executive session records in  
266 block that had not been held as follows: 2003-2009 Executive Session minutes 1-79; 2010  
267 Executive Session minutes 80-88, 90, 94, 95, 96.  
268

269 Second: Selectman Brochu, Unanimous: Chairman Picard

270

271 Town Mission Statement, draft 1

272 The Board agreed to continue this discussion and ask other Boards for their input.  
273

274

274 BoS Mission Statement, draft 1

275 The Board agreed to continue this discussion at the next meeting.  
276

277

277 Discussion on Scholarship Policy and Procedure

278 Selectman Brochu will continue to work on the development of this policy.  
279

280

281

281 **MEETING LOOK AHEAD TOPICS**

282

283 Chairman Picard read the topics that will be discussed at future meeting which include:

284

- Fall Town Meeting
- Multi Board Meeting
- Draft of Town Manager Performance Document

285

286

287

288 **OTHER TOPICS NOT REASONABLY ANTICIPATED**

289

290 **Discussion - MURSD Strategic Planning Steering Committee**

291 At the last scheduled meeting Chairman Picard placed this item on the agenda at the request of  
292 Superintendent Maruszczak to have a member of the Board be appointed to the RSD Strategic  
293 Plan Steering Committee where Selectman Fleming volunteered to serve on this committee.

294

295 **Motion #11:** Motion made by Chairman Picard to appoint Selectman Fleming to serve on the  
296 MURSD Strategic Planning Steering Committee

297

298 Second: Selectman Brochu, Unanimous: Chairman Picard

299

300 The Selectman thanked the Police Department and the Upton's Men Club and all the volunteers  
301 for a well-attended Fourth of July celebration as well as both schools for their labor intensive  
302 efforts.

303

304 **EXECUTIVE SESSION**

305

306 **Motion #12:** At 7:13pm Chairman Picard motioned to enter into an executive session under  
307 MGL c. 30A, sec. 21 exception #6, Land value.

308 Ken Picard, aye, James Brochu, aye Robert Fleming, aye.

309 **Motion #13:** At 7:35pm Chairman Picard motioned to reconvene the regular meeting.

310 Second: Selectman Brochu, Unanimous: Selectman Fleming.

311 **ADJOURN MEETING**

312 **Motion #14:** At 7: 35pm Motion was made by Chairman Picard to adjourn the regular meeting.

313 Second: Selectman Brochu, Unanimous: Selectman Fleming.

314

315

316

317 Respectfully submitted,  
318 Sandra Hakala  
319 Department Coordinator

## MAPS

Locus Map

Income Map

Zoning Map

Infrastructure Map

1999 Build Out Map

Housing Map

Town Owned Property Map

Open Space Map

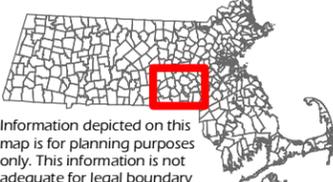
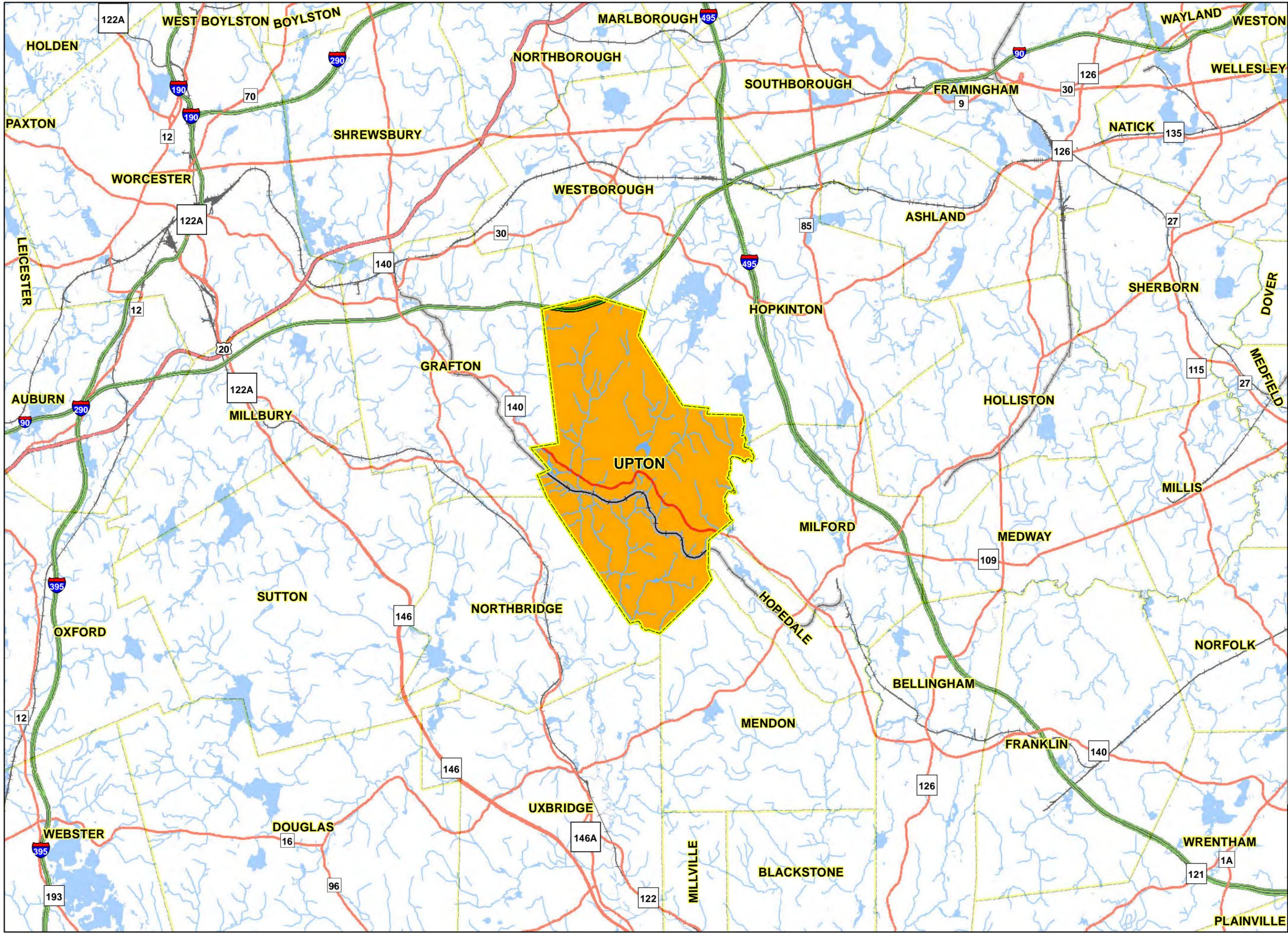
# TOWN OF UPTON MASS.

## Housing Production Plan Locus Map

1 in = 2 miles

### Legend

-  Town Boundaries
-  Water Bodies
-  Streams
-  Active and Multiple Uses
-  Out of Service
- Roads**
-  Interstate
-  U.S. Route
-  State Route



Information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Use caution interpreting positional accuracy.

Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, Information Technology Division.

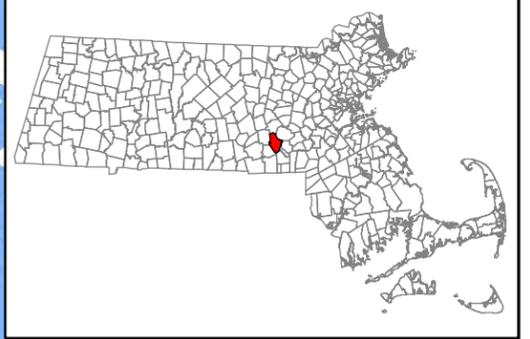


# TOWN OF UPTON, MASS. HOUSING PRODUCTION PLAN

## U.S. Census Income Map (2000)



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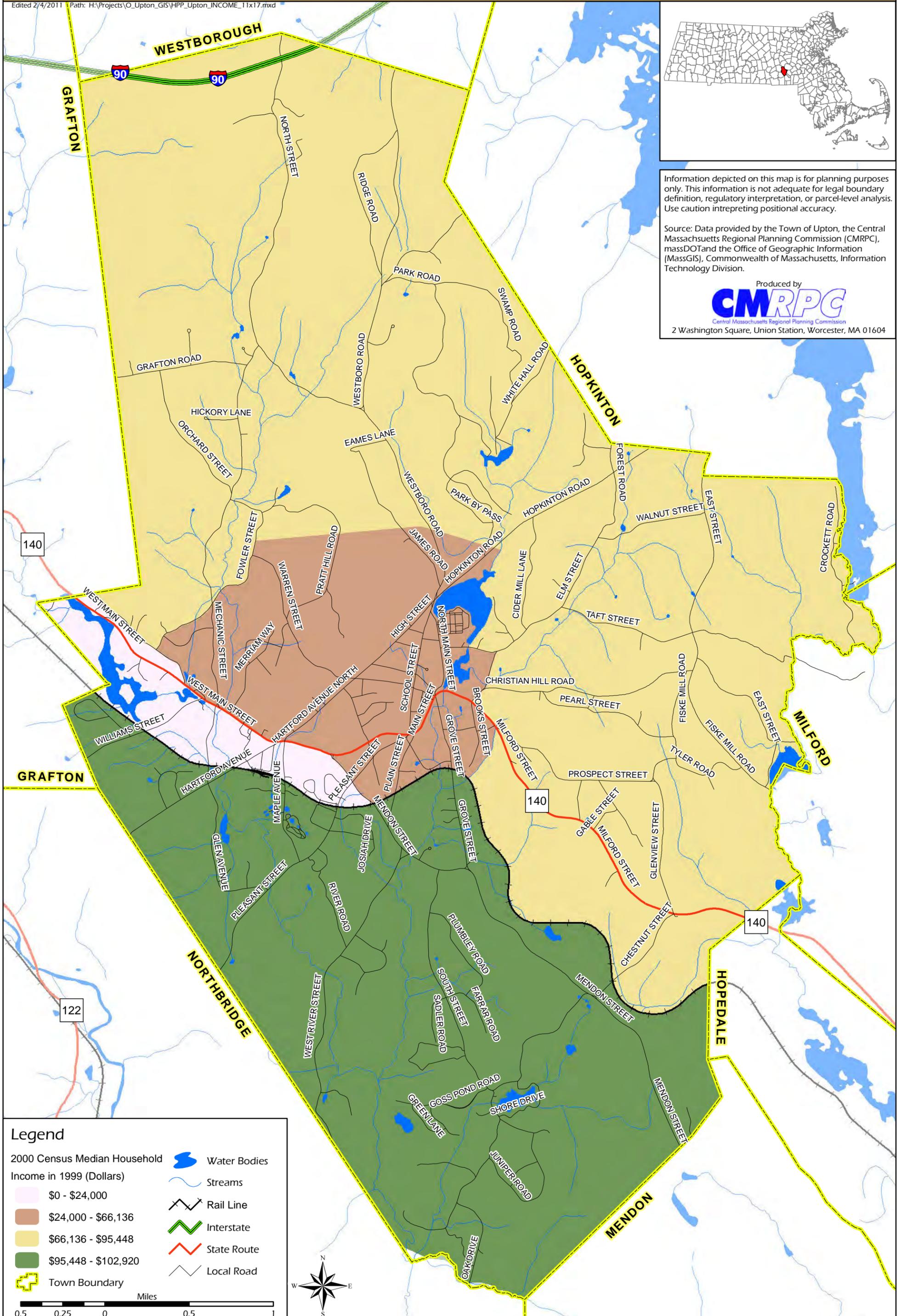


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Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, Information Technology Division.



2 Washington Square, Union Station, Worcester, MA 01604



### Legend

2000 Census Median Household Income in 1999 (Dollars)	Water Bodies
\$0 - \$24,000	Streams
\$24,000 - \$66,136	Rail Line
\$66,136 - \$95,448	Interstate
\$95,448 - \$102,920	State Route
Town Boundary	Local Road

Miles



# TOWN OF UPTON, MASS. HOUSING PRODUCTION PLAN

## Zoning District Map



Edited 2/4/2011 Path: H:\Projects\O\_Upton\_GIS\HPP\_Upton\_ZONING\_11x17.mxd

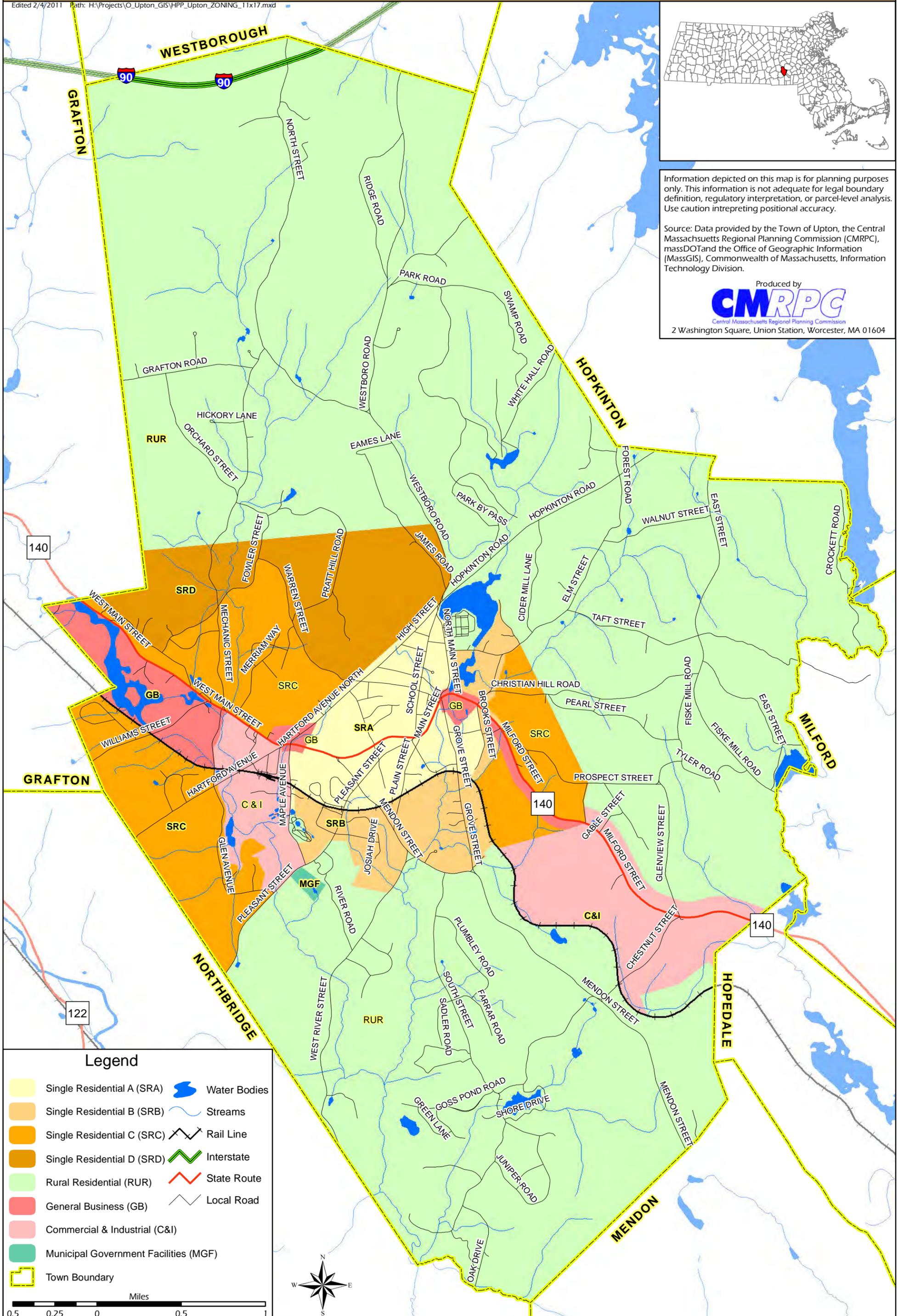


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Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, Information Technology Division.



Produced by  
2 Washington Square, Union Station, Worcester, MA 01604



### Legend

- Single Residential A (SRA)
- Single Residential B (SRB)
- Single Residential C (SRC)
- Single Residential D (SRD)
- Rural Residential (RUR)
- General Business (GB)
- Commercial & Industrial (C&I)
- Municipal Government Facilities (MGF)
- Town Boundary
- Water Bodies
- Streams
- Rail Line
- Interstate
- State Route
- Local Road

Miles



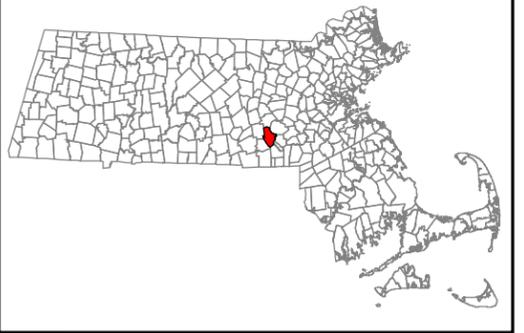


# TOWN OF UPTON, MASS. HOUSING PRODUCTION PLAN

## Infrastructure Map



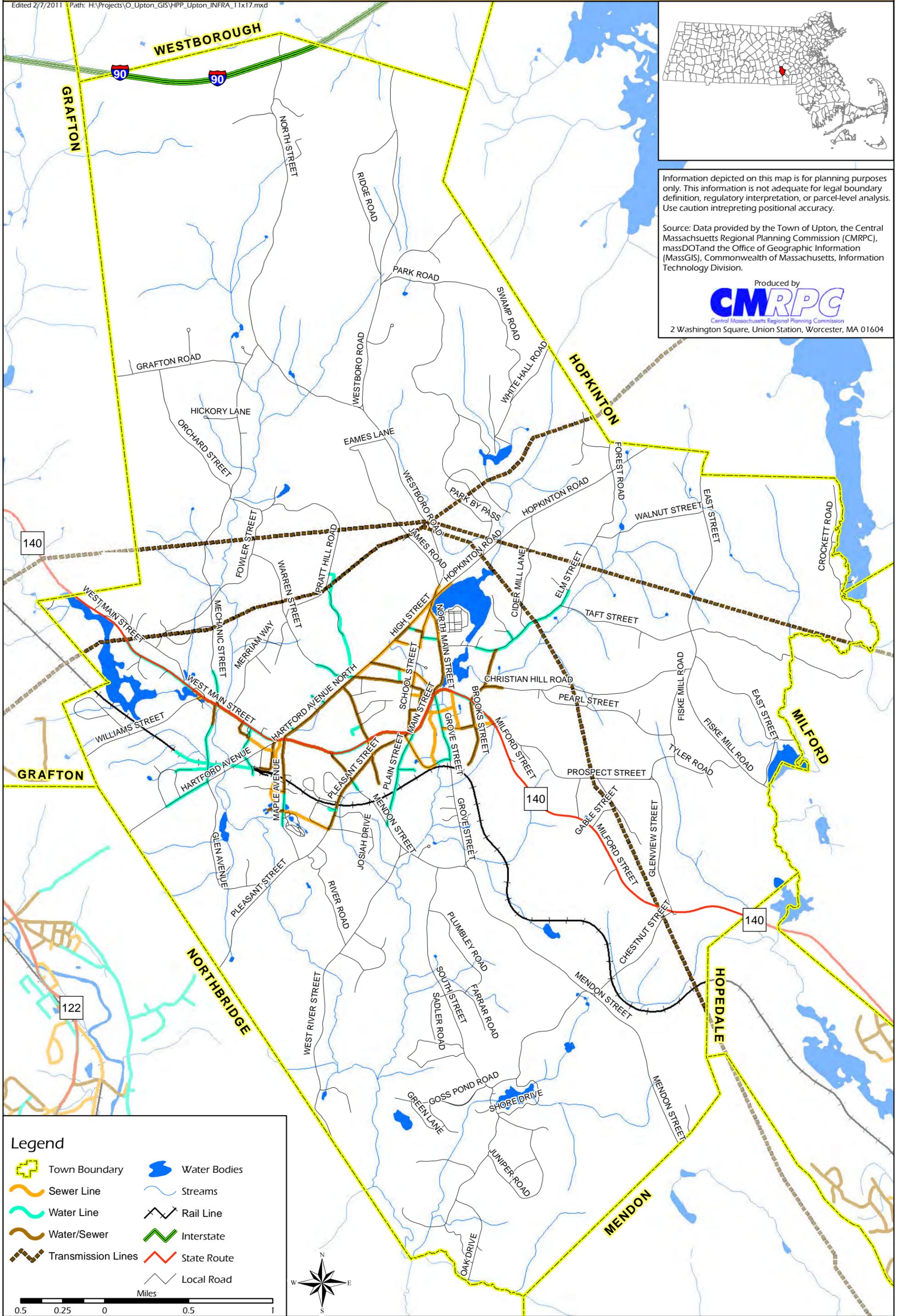
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Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, Information Technology Division.

Produced by  
**CMRPC**  
 Central Massachusetts Regional Planning Commission  
 2 Washington Square, Union Station, Worcester, MA 01604



- Legend**
- Town Boundary
  - Sewer Line
  - Water Line
  - Water/Sewer
  - Transmission Lines
  - Water Bodies
  - Streams
  - Rail Line
  - Interstate
  - State Route
  - Local Road

Miles  
 0.5 0.25 0 0.5 1

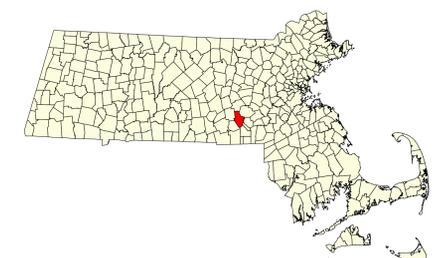
# TOWN OF UPTON COMPOSITE DEVELOPMENT



## MAP 3 July 2000

The information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis.

Produced by the Central Massachusetts Regional Planning Commission GIS Center.  
35 Harvard Street, Second Floor, Worcester, MA 01609-2801

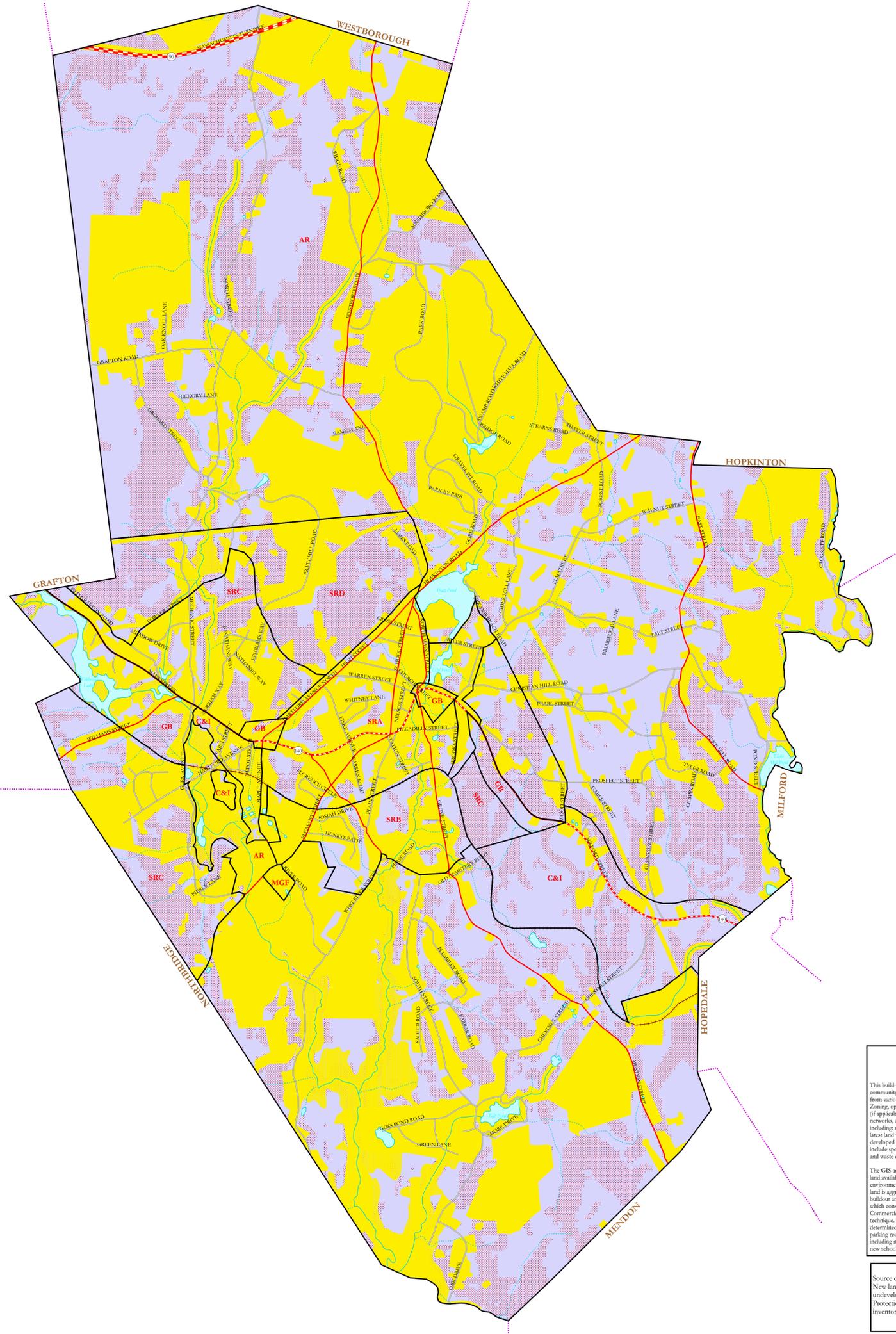


### Legend

-  Towns
-  Zoning
-  Future Developable Land
-  Absolute Development Constraint
-  Partial Development Constraint
- Hydrography**
-  Stream
-  Intermittent Stream
-  Water Bodies
- Roads**
-  Local
-  Interstate
-  Arterial
-  Collector
-  Rail

### Zoning District Description

Zone Code	District	Percentage
SRA	Single Residential A	3.62
SRB	Single Residential B	2.87
SRC	Single Residential C	8.27
SRD	Single Residential D	4.66
AR	Agricultural Residential	74.08
GB	General Business	2.30
C&I	Commercial and Industrial	4.13
MGF	Municipal Government	.09



### SUMMARY BUILDOUT STATISTICS (New Development and Associated Impacts)

Developable Land (sq. ft.)	30,979,872
Developable Land (acres)	7,112
Total Residential Lots	2,713
Total Residential Units	2,713
Comm./Ind. Buildable Floor Area (sq. ft.)	4,227,962
Residential Water Use (gallons per day)	502,639
Comm./Ind. Water Use (gallons per day)	317,097
Municipal Solid Waste (tons)	4,041
Non-Recycled Solid Waste (tons)	2,446
New Residents	6,701
New Students	1,547
New Residential Subdivision Roads (miles)	66.3

- Notes:
- "Residential Water Use" is based on 75 gallons per day per person.
  - "Comm./Ind. Water Use" is based on 75 gallons per 1,000 square feet of floor space.
  - "Municipal Solid Waste" is based on 1,206 lbs per person per year. All waste estimates are for residential uses only.
  - "Non-Recycled Solid Waste" is a subset of Municipal Solid Waste and is based on 730 lbs per person per year ending up in a landfill or incinerator.
  - The number of "Residents" at buildout is based on the persons per household figure derived from the 1990 US Census.
  - The number of "Students" at buildout is based on a student per household ratio taken from 1990 US Census data.
  - "New Residential Subdivision Roads" are based on the assumption that 60% of the new residential lots will have required frontage on new subdivision roads.

### Methods

This build-out analysis is used to determine the potential amount of new development based on a community's current zoning regulations and developable land. Existing digital data are gathered from various sources including the community, MassGIS, MassHighway, and federal agencies. Zoning, open space, land use, hydrography, wetlands, River Protection Act buffers, Cohen bill buffers (if applicable), flood plains, slope, orthophotography (digital aerial photographs), rail lines, road networks, and political boundaries are verified and updated. Additional layers are created, including miscellaneous lands determined to be undevelopable; development since the date of the latest land use coverage; and approved subdivisions since the date of the orthophotography. The developed land information is derived by aggregating categories in the land use layer; these include spectator and water-based recreation, residential, commercial, industrial, transportation, and waste disposal.

The GIS analysis consists of first subtracting land not available for development. The amount of land available for development is shown on Map 2 by zoning district and depicts land with environmental limitations for development, such as steep slopes and river buffers. The developable land is aggregated to create Map 3, which is a composite of all coverages and factors used in the buildout analysis. To determine the number of future buildable residential lots, a formula is used which considers density permitted by zoning, land needed for roads, and odd shapes of lots. Commercial and industrial floor space is determined using an effective floor area ratio (EFAR) technique. For each commercial and industrial district, the amount of potential floor area is determined based upon current setback requirements, height limitations, maximum lot coverage, and parking requirements. Map 3 contains a summary table showing interesting facts from the analysis, including new residential lots, additional commercial and industrial floor space, new residents, new school children, and water required to support this development.

Source data:  
New land use and zoning were developed by CMRPC. Subdivisions and miscellaneous undevelopable buffers were developed by CMRPC and the Town of Upton. River Protection Act buffers were developed by CMRPC. Roads are derived from the road inventory files at MassHighway. All other data are from MassGIS.



Massachusetts  
Geographic  
Information  
System

Massachusetts Executive Office of Environmental Affairs - 2000



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3000 0 3000 Feet

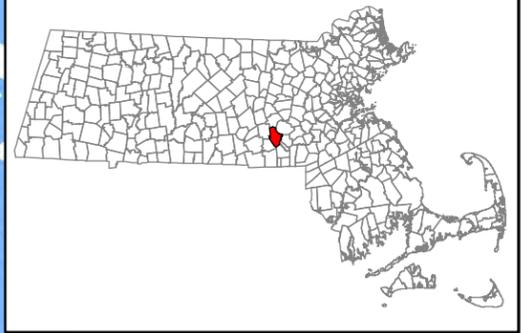


# TOWN OF UPTON, MASS. HOUSING PRODUCTION PLAN

## Housing Map



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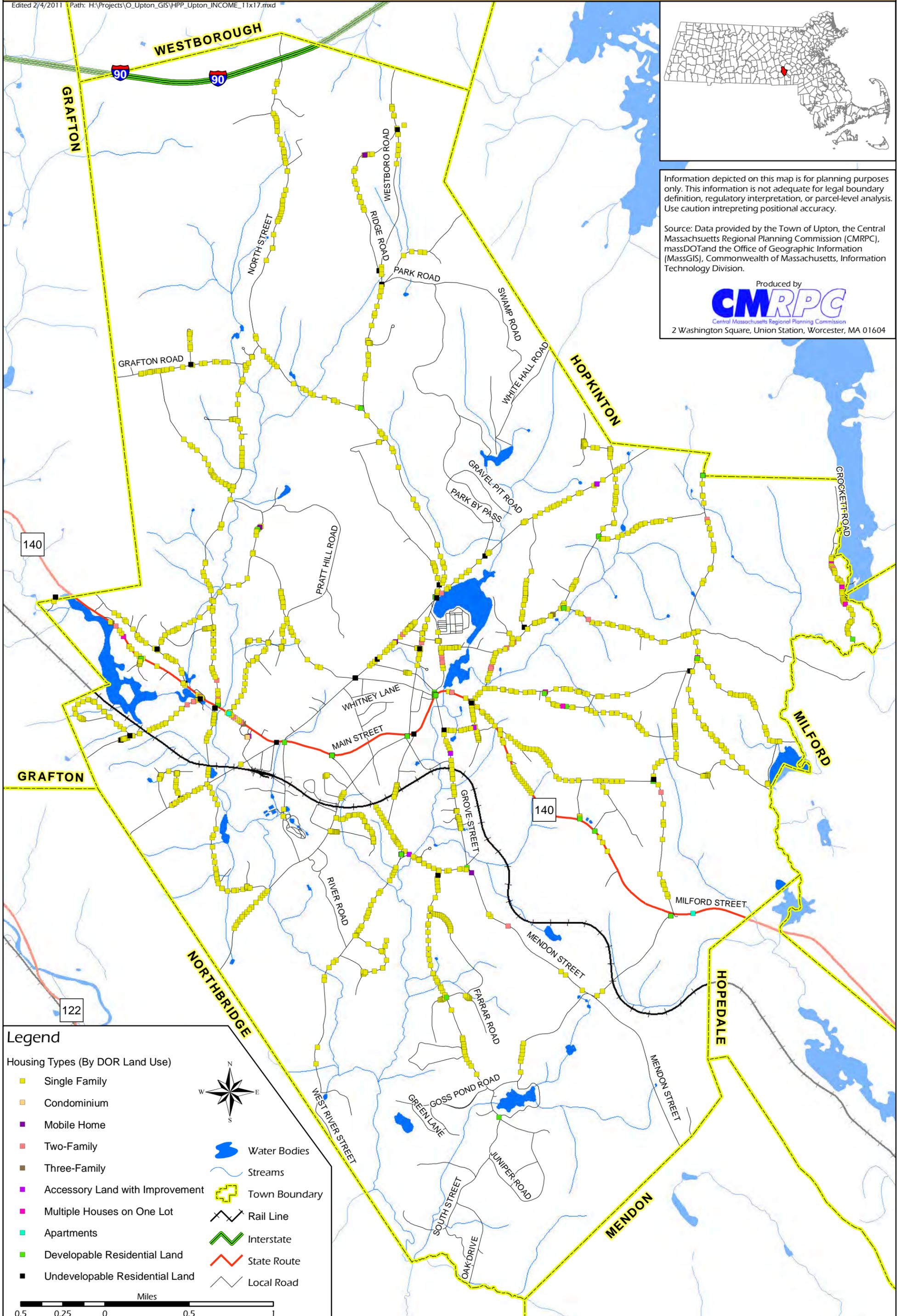


Information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Use caution interpreting positional accuracy.

Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, Information Technology Division.



2 Washington Square, Union Station, Worcester, MA 01604



### Legend

Housing Types (By DOR Land Use)

- Single Family
- Condominium
- Mobile Home
- Two-Family
- Three-Family
- Accessory Land with Improvement
- Multiple Houses on One Lot
- Apartments
- Developable Residential Land
- Undevelopable Residential Land

- Water Bodies
- Streams
- Town Boundary
- Rail Line
- Interstate
- State Route
- Local Road

Miles

0.5 0.25 0 0.5 1

# WESTBOROUGH

## TOWN OF UPTON TOWN OWNED LAND MAP

Information depicted on this map is for planning purposes only. This information is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analysis. Use caution interpreting positional accuracy.

Source: Data provided by the Town of Upton, the Central Massachusetts Regional Planning Commission (CMRPC), massDOT and the Executive Office of Environmental Affairs/MassGIS (EOEA/MassGIS).



2 Washington Square, Union Station  
Worcester, MA 01604  
Phone: 508.756.7717

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MASSACHUSETTS TURNPIKE  
90

# HOPKINTON

# GRAFTON

# MILFORD

# HOPEDALE

# NORTHBRIDGE

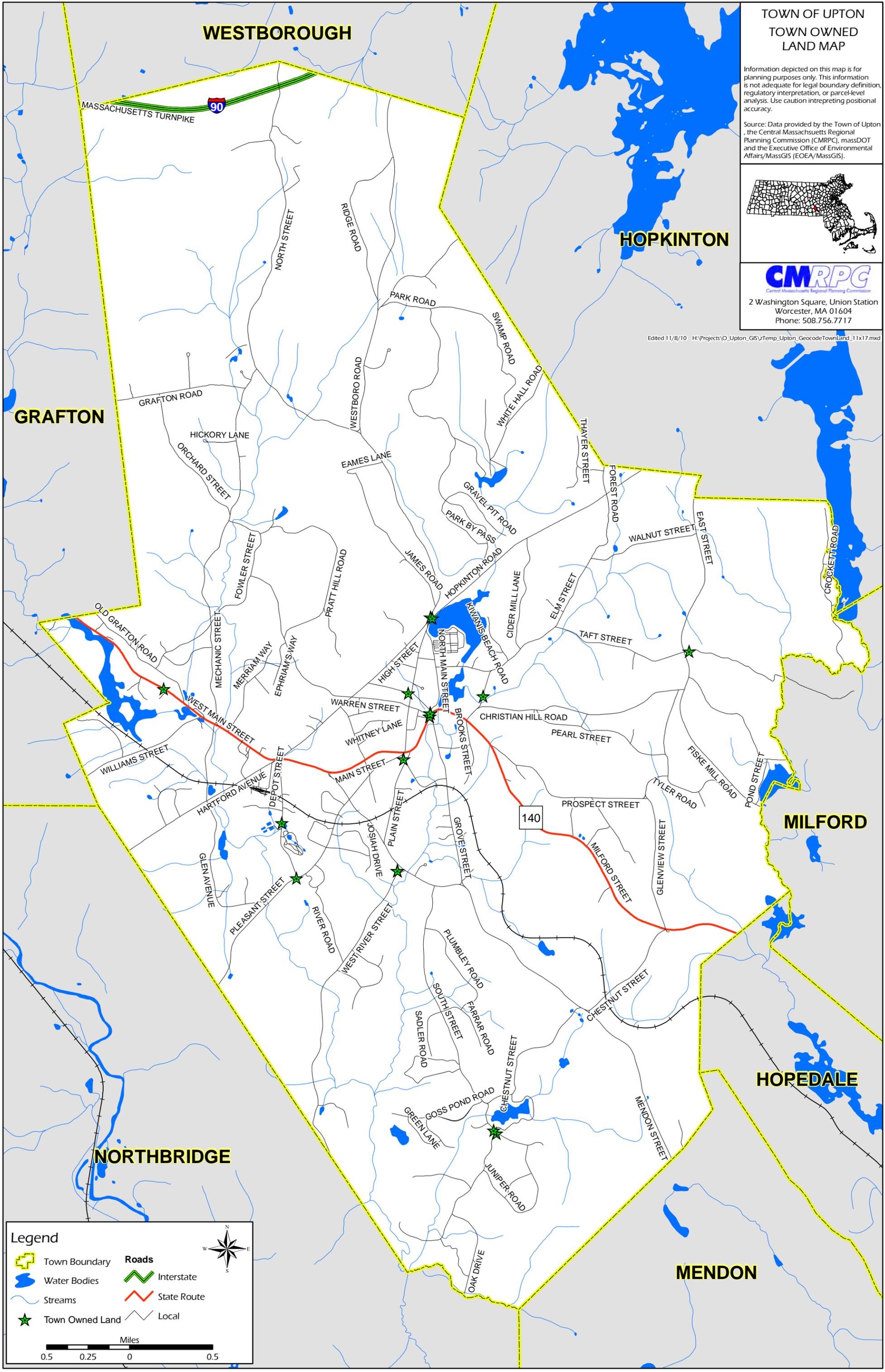
# MENDON

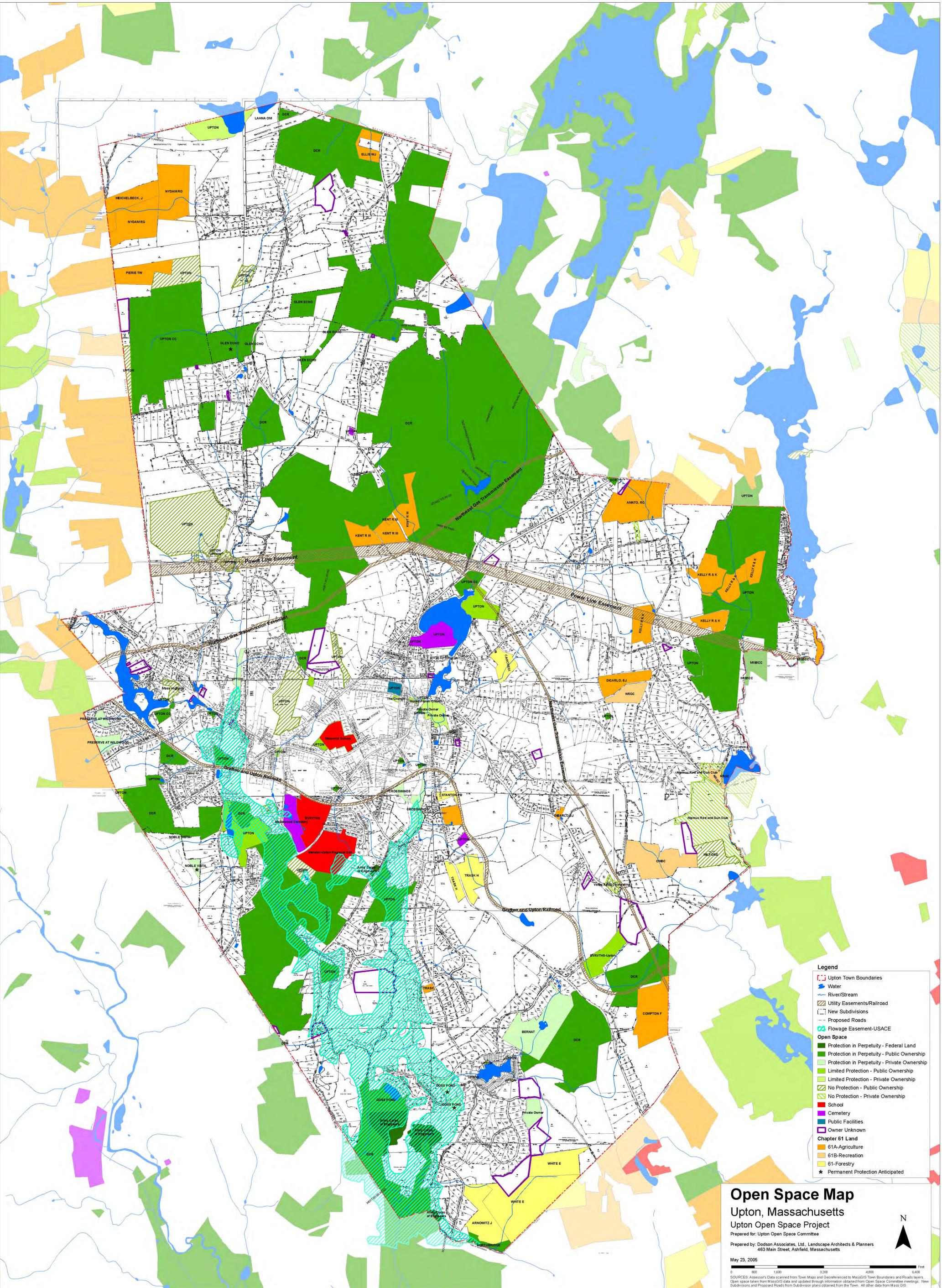
### Legend

- Town Boundary
- Water Bodies
- Streams
- Town Owned Land
- Interstate
- State Route
- Local



Miles





- Legend**
- Upton Town Boundaries
  - Water
  - River/Stream
  - Utility Easements/Railroad
  - New Subdivisions
  - Proposed Roads
  - Flowage Easement-USACE
  - Open Space**
  - Protection in Perpetuity - Federal Land
  - Protection in Perpetuity - Public Ownership
  - Protection in Perpetuity - Private Ownership
  - Limited Protection - Public Ownership
  - Limited Protection - Private Ownership
  - No Protection - Public Ownership
  - No Protection - Private Ownership
  - School
  - Cemetery
  - Public Facilities
  - Owner Unknown
  - Chapter 61 Land**
  - 61A-Agriculture
  - 61B-Recreation
  - 61-Forestry
  - ★ Permanent Protection Anticipated

**Open Space Map**  
 Upton, Massachusetts  
 Upton Open Space Project

Prepared for: Upton Open Space Committee  
 Prepared by: Dodson Associates, Ltd., Landscape Architects & Planners  
 453 Main Street, Ashfield, Massachusetts

May 23, 2005



SOURCES: Assessor's Data scanned from Town Maps and Georeferenced to MassGIS Town Boundaries and Roads layers. Open space taken from MassGIS data and updated through information obtained from Open Space Committee meetings. New Subdivisions and Proposed Roads from Subdivision plans obtained from the Town. All other data from Mass GIS.