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**TOWN OF ASHBY
COMMUNITY DEVELOPMENT
PLAN**

HOUSING CHAPTER

Ashby Planning Board

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HOUSING AND RESIDENTIAL DEVELOPMENT

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THE HOUSING VISION

In 2023...,

- Ashby offers a variety of housing choices to residents across a range of incomes, including affordable housing options for seniors and for young families who want to stay in town. Ashby has avoided indiscriminate development and sprawl through careful planning, protection of sensitive environmental and cultural resources, and the application of effective regulations and incentives.
- Roadways are lined with mature trees and stone walls, framing passing views of meadows, orchards and farms, which evoke the town's rural heritage, and demonstrating Ashby's success in directing development to protect rural scenic character. The roads serving regional traffic also continue to reflect the Town's rural identity.

HOUSING: ASSETS, LIABILITIES, AND OPPORTUNITIES

Assets

- Relatively affordable
- Large lot sizes available
- Varied and attractive housing stock
- Historic homes

Liabilities

- Increasing rate of development
- New housing attracts families with school age children, potentially increasing costs
- Most development is ANR - limited tools for development review available
- Cost of trash removal is increasing
- No permanently affordable housing (zero percent in the 40B inventory)
- Need for affordable senior housing
- New housing is expensive for local residents

GOALS

- Shape housing development to preserve rural character
- Provide for permanently affordable housing to provide options to senior citizens, young people, and others needing moderately-priced housing and to meet Chapter 40B goals over the long term

A. CURRENT CONDITIONS

EXISTING HOUSING STOCK AND RESIDENTIAL CHARACTER

Change in Population, Households and Housing Units 1990-2000			
	1990	2000	% Change
Population	2717	2845	4.7
Households	892	978	9.6
Housing Units (total)	959	1011	5.4
Housing Units (year-round)	916	1000	9.2
Owner Occupied Units	798	899	12.6
Vacancy Rate Ownership	0.9%	0.3%	
Rental Occupied Units	94	79	-16.0
Vacancy Rate Rental	6.9%	2.5%	
Seasonal Units	43	11	-74.4
Householder 65 years or older	164	161	-1.8
Source: US Census, 1990, 2000			

Ashby is a former agricultural town that is just beginning to experience the expansion of the Greater Boston housing market into the towns beyond Interstate 495. Most of the farms and orchards in Ashby are no longer in operation, but the town still conserves its rural character in many places. However, because the majority of new housing is built along the road frontage every 200 feet on "Approval Not Required" (ANR) lots, Ashby is increasingly acquiring a more suburban visual character. As the number of frontage

lots diminishes, it is likely that more subdivisions will be proposed in the "back land." Some 7,900 acres (52%) of Ashby's lands are classified by the Assessor as "developable" and much of that is "back land" extending between the shallow strips of residential development along Ashby's roads.

According to the Town Census, the rate of growth in Ashby's population has been increasing since 1996. This is when housing prices in the metropolitan Boston area began climbing significantly after the recession of the late 1980s and early 1990s and more people began to look for housing at the edge of the Boston region. Between the 2000 census and 2003 the Town added 321 residents, an 11% increase. Reflecting national trends, the growth rate in housing units has been outpacing the growth rate in population for several decades as the average number of people in each household or housing unit has been declining.

Housing is located throughout the town with concentrations along Rte. 119 and at the town center. Trends since 1990 include the conversion of seasonal housing to year-round units and a reduction in the already limited number of renter-occupied units. As noted earlier, most new development is located

along road frontage and fewer than 10 subdivisions, most with a small number of units, have been built since the mid-1980s.

Ashby Age of Housing Units		
Build Date	Number of Units	Percent of Total
Pre-1940	340	33.6
1940-1959	180	17.8
1960-1969	122	12.1
1970-1979	113	11.2
1980-1989	123	12.2
1990-2000	133	13.1
<i>Source: US Census 2000</i>		

Average Annual Increase in Housing Units 1940-1999	
1940-1959	9
1960-1969	12
1970-1979	11
1980-1989	12
1990-1999	12
<i>Source: US Census 2000</i>	

Ashby Building Permits 1990-2002	
2002	23
2001	15
2000	17
1999	17
1998	22
1997	18E
1996	NA
1995	16E
1994	16
1993	17
1992	17
1991	15
1990	15
average 1990-94, 1998-2002	17.4
<i>Source: Assessor's Data; E=Estimate</i>	

Age of housing and creation of new units.

One third of Ashby's housing was built before 1940, over one-half before 1960, and 13 percent was built during the 1990s. The number of housing units in Ashby increased at a consistent rate over the past four decades, averaging about 12 new units per year. This steady level of increase indicates the Town's relative insulation until recently from the real estate growth cycles of Eastern Massachusetts, such as the real estate boom of the 1980s.

Over the past twelve years, Ashby has issued a slowly increasing number of building permits each year for construction of new single-family residences. An average of 17 building permits per year has been issued between 1990 and 2002. The average rose to 19 permits per year over the past five years. Although the growth rate is still moderate, many new homes in Ashby tend to be larger and more expensive than existing homes.

Housing Types, Ownership and Rental Housing

According to 2003 assessor's data, of the town's 1,067 housing units, 1,039 (97%) are single-family homes. There are 15 multifamily structures, 10 mobile homes and 3 on-campus teacher residences. Almost all the housing in Ashby is owner-occupied. The 2000 Census estimated 79 renter-occupied housing units, 8% of the total of 978 occupied units. Some of the multifamily structures are most likely owner-occupied with only one or two rental units. Most of the rented housing in Ashby, therefore, is composed of single-family homes, and it is likely that most of these units are rented while their owners are temporarily living away from home or are waiting for the homes to sell, and very few, if any, are always

held for rental purposes. Some of Ashby's older homes need upgrading. Many have sub-standard septic systems, which cost \$10,000 to \$20,000 or more to bring up to Title 5 requirements, and sub-standard electric and heating systems. Wood is the sole source of heat in 8% of housing units.

Zoning and Land Use Regulation

Ashby has four zoning districts:

Zoning District	Minimum Lot Size in Sq. Ft.	Required Frontage in Ft.	Required Front Setback in Ft
<i>Residential</i>	40,000	150	<ul style="list-style-type: none"> ▪ 75 - from centerline of road less than 50 ft right of way ▪ 100 - from centerline of road at least 50 ft right of way
<i>Residential/Agricultural</i>	80,000	200	<ul style="list-style-type: none"> ▪ Same
<i>Residential/Commercial</i>	40,000	150	<ul style="list-style-type: none"> ▪ Same
<i>Industrial</i>	60,000 sf	150	<ul style="list-style-type: none"> ▪ 75 ft from street centerline

The majority of Ashby is in the Residential/Agricultural zone with 2-acre lots and 200 feet required road frontage. The only multi-family housing permitted by zoning is an allowance for accessory apartments by special permit and for mixed use development in the Residential/Commercial zone, which requires a minimum one-acre lot. Since adoption of the accessory unit bylaw in 2001, four applications have been taken out and all have been approved.

Site plan review is required only for nonresidential development and most new homes are not subject to the subdivision regulations because they are on ANR lots.

Housing in the Town Center

Ashby residents are proud of their historic town center, but the zoning currently in place for the town center now would not permit it to be built. The Town established a historic district centered around the Town Common in Ashby Center in 1997. This historic village includes a number of nineteenth-century buildings built on small lots. Wastewater capacity is very limited and constrains additional development in the Center.

Development Capacity / Buildout Potential

The total land area of Ashby is 15,232 acres. Of this, 3,924 acres (26%) is permanently protected open space. According to 2003 Assessor's data, approximately 2,430 acres (16%) is

Buildout Potential	
Additional Developable Land:	10,281 acres
Additional Housing Units:	4,608
Additional Residents:	13,823
Additional School Children:	2,765
Additional Roadway:	103 miles
<i>Source: Executive Office of Environmental Affairs & MassGIS</i>	

developed and 976 acres (6%) is undevelopable. The remaining 7,902 acres (52%) are classified as developable. According to the buildout study conducted by state agencies in 2000, Ashby has substantial development capacity under current zoning. The study, which was based on the application of formulas to map data and not on a parcel by parcel

analysis, estimated that if every developable acre were built to the extent permitted by current zoning, Ashby would gain approximately 4,600 new housing units for about 13,800 more people.

Another way to approach this question without a parcel by parcel field survey is to analyze the Assessor's database for vacant developable parcels and parcels that have a house built on them but that have sufficient acreage for potential subdivision under current zoning. That analysis results in a figure somewhat higher than the state buildout exercise, as can be seen in the table below. It does not take into account frontage requirements.

ASHBY VACANT AND SUBDIVIDABLE RESIDENTIAL PARCELS								
ZONING DISTRICT	Type	Parcel Size (acres)	# of parcels	Min size (acres)	Max Size (acres)	Average Size (acres)	Total Acres	Potential Single Family Units
Residential	Vacant*	> 40,000	28	0.98	13.42	2.73	76.51	76
	Built	> 80,000	79	1.85	13.7	4.05	319.64	80
Res/Commercial	Vacant*	> 40,000	16	0.93	17.58	3.36	53.74	53
	Built	> 80,000	16	1.97	5.15	2.84	45.49	6
Res/Agricultural	Vacant*	> 80,000	289	1.84	173.13	15.88	4,590.38	2,295
	Built	>160.000	300	3.68	159.3	19.35	5,804.43	2,602
			728				10,890.19	5,112
*Includes Town-owned unprotected parcels within residential zones.								
NOTE: Commonwealth of Massachusetts and Town of Fitchburg parcels not included.								
Source: Ashby Assessor's Data								

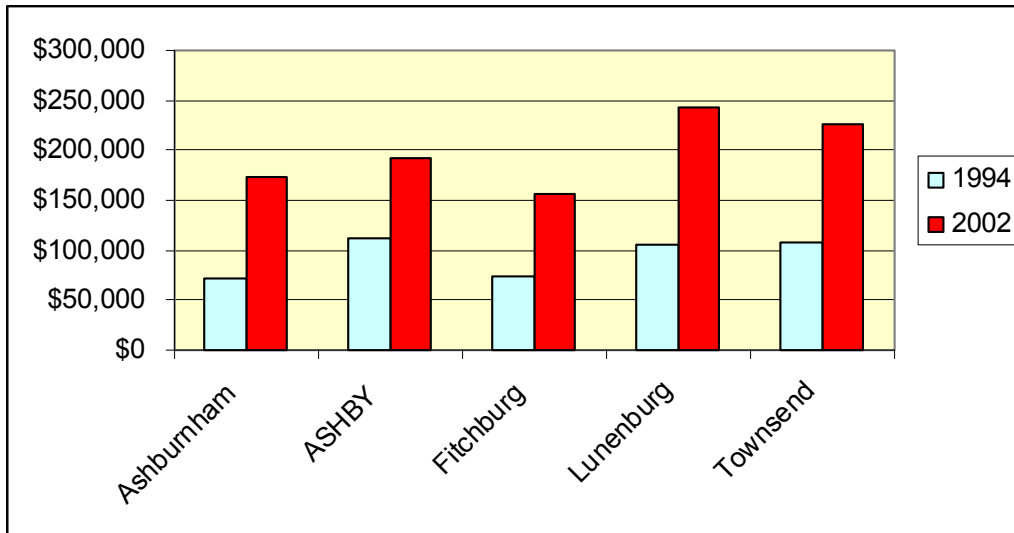
Housing Costs

The median price of a single-family home in Ashby rose 71% between 1994 and 2002. In comparison, the Consumer Price Index for metropolitan Boston increased only 41.6% over the same years. Similar increases have taken place throughout the area, leaving Ashby's 2002 median home sale price of \$191,450 in the middle of its group of nearby towns. If we compare Ashby's single family home

Median Price of a Single Family Home in Ashby	
Year	1-Family
2002	\$191,450
2001	\$167,250
2000	\$138,500
1999	\$119,950
1998	\$123,900
1997	\$107,500
1996	\$122,000
1995	\$96,000
1994	\$112,000
Source: Warren Group	

prices in 1994 and 2002 with those in neighboring communities, it becomes clear how proximity to I-495 and the metropolitan Boston housing market has affected home prices. While Ashby's median price was slightly higher than both Lunenburg's and Townsend's in 1994, by 2002, both those communities saw median single family home prices rise substantially higher than Ashby's. Although Ashby is on the exurban housing frontier for several employment centers -- the metro Boston area, Worcester, and Nashua, NH -- it is not near a major highway, making it less immediately attractive for development than more accessible neighboring towns.

Comparative Median Single Family Home Prices, 1994 and 2002



Despite the rising price of housing in Ashby, the town is still affordable in relative terms. During FY2003, 20 building permits were issued for housing assessed at or below the \$299,756 threshold that the state Department of Housing and Community Development designates for housing affordable to middle-income households (with incomes at 80% to 150% of median income). Only two permits were issued for housing valued above this level. Moreover, newer houses in Ashby are worth more than older housing. The median assessed value of an owner occupied home increased 9% between 1990 and 2000, from \$135,300 to \$147,500, while the median value of a new home in 2003 had risen to \$240,000.

Constraints to Development

Twenty-six percent of Ashby's land is permanently protected, primarily in Willard State Park and Department of Fish & Wildlife Land (more than 2,500 acres) and City of Fitchburg water supply protection lands (540 acres). The Ashby Land Trust and the Town recently purchased a 170-acre parcel at Blood Hill and the Town has small holdings for recreational use. Almost 1,600 acres of land in Ashby is temporarily protected under Chapter 61 and 61A tax abatement programs. In the southwestern corner of Ashby, the City of Fitchburg's reservoir is surrounded by Zone A and Zone B buffers to protect drainage areas and tributaries. In addition, Fitchburg owns the so-called Ashby Reservoir or Compensating Reservoir that was created early in the 20th century to compensate for the Fitchburg reservoir being taken out of service as an industrial mill pond. Environmentally-sensitive land includes the recently-created Squannassit Area of Critical Environmental Concern, which extends into Ashby's eastern quarter, and the approximately 60% of the Town that is in Outstanding Resource Waters watershed areas. These designations do not prohibit development, but can trigger higher levels of state review for big projects.

There is no public water supply or sewer system and all residents depend on private wells for drinking water and septic systems for wastewater disposal. Ashby's groundwater has not been mapped. The state buildout project estimated a demand for over one million additional gallons a day of water, if the Town were to develop up to the capacity permitted by zoning. It is clear that long before the buildout level were to be reached, the Town would not be able to continue depending on private wells for drinking water. The lack of septic capacity is a severe constraint to new development of any kind in the Town Center. It may be that unmapped wetlands, steep slopes, high water tables and the requirements of Title 5 for septic systems are also barriers to building on some of the land currently classified as developable. However, recent changes by the state Department of Environmental Protection from 30 minute to 60 minute perc standards may also make more land developable.

CURRENT AND FUTURE HOUSING DEMAND

Vacancy rates in Ashby for year-round ownership units decreased between 1990 and 2000 from 0.87% to 0.30%, and vacancy rates for year-round rental units decreased from 6.93% to 2.50%. Both of these statistics reflect an increasing demand for housing evident statewide.

Population and Housing Unit Changes: 1990-2000

▪ Total growth in population:	+4.7%
▪ Total growth in number of households:	+9.6%
▪ Total growth in number of year-round housing units:	+9.2%
▪ Growth in owner-occupied year-round units:	+12.7%
▪ Growth in renter-occupied year-round units:	-16.0%
▪ Population change in 20-29 age group:	-26.3%
▪ Population change in 65-74 age group:	+3.2%

Source: US Census 1990, 2000

Accompanying this rise in housing costs is a population change. The percentage of the population between the ages of 20 and 34 decreased by 41% between 1990 and 2000, which is a greater decrease than that found in the region as a whole. (This age group is the "baby bust" generation.) Some of that increase might be due to rising housing costs. The population between the ages of 65 and 74 increased by 3.2 percent between 1990 and 2000, and can be expected to increase further in the coming decade.

Housing Needs

During the 1990s an average of 12 housing units were added per year, but building permit activity over the last five years suggests an increasing rate of housing growth. Ashby's 11.2% population increase in almost four years since 2000 (according to the town census) is more than twice the 4.75% increase over the 1990-2000 decade. It is difficult to predict if the residential real estate market will

Ashby Households and Families below 80% Fitchburg Area Median Income in 1999

- 37.7% of households had incomes less than \$50,000
- 13.1% of households had incomes less than \$25,000

- 29.8% of families had incomes less than \$50,000
- 8.5% of families had incomes less than \$25,000

- The elderly face a bigger affordability challenge as median income varies with age:
 - Median income for people 65-74 is \$32,250, compared to \$68,342 for people aged 35-54
 - Median income for people 75 and older is even lower (\$18,438)

Source: US Census 2000

continue to be vigorous during the second half of the current decade. If Ashby were to continue at its historic rate of adding about 12 new single family homes a year, it will have to accommodate 240 new homes in 20 years. If we assume a higher average growth rate of 20 homes a year, there would be 400 homes in 20 years. Even this high-growth scenario would only produce about 9 percent of the buildout development capacity estimated in the state buildout study. These numbers, of course, assume that the new housing units would all be single family homes.

The 1999 Ashby median household income reported in the 2000 Census was \$61,000, which is nearly identical to the Middlesex County median income of \$60,821. The median income for people 65 to 74 years old was \$32,250 and for people 75 and over was \$18,438. According to the 2000 Census, 5% of the town's population (143 people) and nearly 4% of families (29 families) live below the poverty level. Nearly 44% of people 65 and over in Ashby have some kind of disability. Of the 61 renters identified in the 2000 Census, 12 (20%) paid more than 30 percent of household income for rent and 25% of owners paid more than 30 percent of household income for housing.

Rising housing prices, increasing homeownership costs, and an aging housing stock have left some local homeowners unable to afford the necessary renovations to their homes. Lack of affordable alternatives forces older people to stay in homes they can no longer adequately maintain or leave the community. Lack of rental options and increasing home prices also make it more difficult for young people and first time homebuyers to find housing in Ashby.

Regional Housing Needs

Ashby has a smaller population than any of its four Massachusetts neighbors: Townsend, Fitchburg, Lunenburg and Ashburnham. The City of Fitchburg, with a population of approximately 40,000, is an urban center, while the others are towns with populations under 10,000. Ashby's 2000 population of 2,845 was 4 percent of the total population of all five communities. All of the four towns, located just beyond I-495, are on the frontier of advancing housing development, with rising home prices. None of the towns has a large stock of permanently affordable housing, but Ashby is the only one of

these towns that has no permanently affordable housing units. The *Greater Gardner Sustainable Growth Management Plan* completed in 1999 recognized as one of its goals the need for “a variety of housing options to meet the needs of a population with a wide range of financial means and lifestyle choices.” [p.24] However, the numerical need at the regional level was not further specified. The lack of any permanently affordable housing in Ashby, however, suggests that the Town needs to focus attention on affordable housing issues.

HOUSING DEVELOPMENT AND COMMUNITY CHARACTER

The current pattern of residential development is leading inexorably towards making Ashby a suburb in appearance if not in spirit. Housing development is following the path of least resistance and spreading along all the road frontage in Approval-Not-Required lots and leaving large amounts of open land in the back lands between the roads. The zoning bylaw and the real estate market both tend to promote homogeneity in the siting and design of houses. In fact, under current zoning, the Town Center could not be replicated. After the road frontage is built out, backlands will become more valuable and the Town will begin to see more subdivisions. Despite the fact that the Town has little control over the development of ANR lots because of state law, the Town can take some actions to shape future development, both along the roads and in the backlands, to forestall suburbanization. These actions steps are described in Section B – Recommendations.

HOUSING AFFORDABILITY

What is “affordable housing?”

The concept of affordable housing is based on three statistics: the median household income for an area, the appropriate percentage of household income that should be spent on housing, and the median cost of housing in the rental or ownership markets. Under most housing subsidy programs, the housing produced with government financial assistance is targeted to people whose household income is 80 percent or below the median household income for an area. (The median is the point at which half the households have higher incomes and half the households have lower incomes.) Median income levels by size of household are set by the US Department of Housing and Urban Development (HUD) every year for entire metropolitan areas. Because Ashby is in the Fitchburg-Leominster Primary Metropolitan Statistical Area (PMSA), it is this median income amount that is used in affordable housing projects, not Ashby’s local median. For Fiscal Year 2004, the median income for all households is \$62,200 and 80 percent of median for a family of four is \$49,750. According to HUD standards, affordable housing for households with incomes at or below 80 percent of median should cost no more than 30 percent of total household income. An affordable home, therefore, could be one that a family of four making no more than \$49,750 a year could buy or rent with 30 percent of their income going to rent or mortgage payments. Census data show that in 1999, 37.7 percent of Ashby households had incomes below

\$50,000, and 23.8 percent had incomes below \$35,000. US HUD has estimated that 28% of Ashby's population is in households with incomes 80% or below the Fitchburg/Leominster Area Median Income.

**PMSA: Fitchburg--Leominster, MA PMSA
FY 2004 MEDIAN FAMILY INCOME: \$62,200**

	I N C O M E L I M I T S – H O U S E H O L D S I Z E (N U M B E R O F P E R S O N S)							
	1	2	3	4	5	6	7	8
30% OF MEDIAN	\$13,050	\$14,950	\$16,800	\$18,650	\$20,150	\$21,650	\$23,150	\$24,650
VERY LOW-INCOME (50% OF MEDIAN)	\$21,750	\$24,900	\$28,000	\$31,100	\$33,600	\$36,100	\$38,550	\$41,050
LOW-INCOME (80% OF MEDIAN)	\$34,850	\$39,800	\$44,800	\$49,750	\$53,750	\$57,700	\$61,700	\$65,700

Chapter 40B – the Comprehensive Permit Law

The state Comprehensive Permit Law (Chapter 40B) includes a goal of 10 percent affordable housing in every municipality. Unless a town has deed-restricted housing units affordable to low- and moderate-income households in excess of ten percent of its current total year-round housing units, a developer can submit a Comprehensive Permit application to the Zoning Board of Appeals for an affordable housing project. The Comprehensive Permit consolidates all approvals into one process and allows a developer to bypass the local zoning bylaw and other Town planning regulations. Chapter 40B projects have been proposed in neighboring towns such as Townsend, but none has yet been filed in Ashby.

Housing units created under Chapter 40B must meet four tests in order to be counted towards that goal:

- The units must be in a development that has been approved for direct state or federal subsidy, for example, through the Massachusetts Housing Finance Agency, the US Department of Housing and Urban Development, the Federal Home Loan Bank of Boston, or the state Department of Housing and Community Development (DHCD). With the exception of the Local Initiative Program (LIP), the subsidies are financial. In the case of the LIP, towns work directly with developers but receive technical assistance from DHCD and receive standing as Chapter 40B projects. LIP projects allow towns more flexibility in making decisions about the design and site plan of a project. The state merely has to approve the affordability elements of the project: the incomes of the persons to be housed, the minimum quality of the housing units, fair marketing, and a maximum level of profit.
- At least 25 percent of the units must be restricted to households having incomes at or below 80 percent of the area median income. The units must have rents or sales prices that are restricted to levels that households at those incomes can afford, with housing costs taking up no more than

30% of income. For newly-constructed housing, the affordability restrictions must be in place for at least 15 years.

- The development must be subject to use restrictions and deed restrictions insuring that the units will remain available only to people who have qualifying incomes and these requirements must be monitored by a public agency or a non-profit organization.
- The units must be openly marketed according to fair housing laws. However, within certain limits towns can establish a local preference for their own residents. Typically, potential buyers or tenants participate in a lottery, with extra points given to local residents, town employees or others with connections to the town.

Ashby currently does not have any housing units that meet the Chapter 40B requirement for deed-restricted affordability to households making 80% or below the area median income.

Administrative Changes to Chapter 40B

The legal situation surrounding Chapter 40B is in flux. New regulations were issued in late 2002 that provide for more rapid counting of approved units and of more types of units; more leeway for a town to deny a permit or include conditions if it has an approved affordable housing plan and has made recent progress towards the 10 percent affordable units or if the project is very large in relation to the town's population; and consideration by the Housing Appeals Committee of a community's master plan and affordable housing creation efforts if a developer appeals a denial of a Comprehensive Permit.

A town may submit an Affordable Housing Planned Production Plan to the state Department of Housing and Community Development for approval. An approved affordable housing plan must include:

- A comprehensive housing needs assessment
- Affordable housing goals including the mix of housing, timeframes for the production of units, and the type of use restrictions to be used to insure affordability. The state will not approve a plan restricted to affordable housing for the elderly.
- An affordable housing strategy which may include
 - Zoning areas to be modified to accommodate residential development
 - Identification of specific sites for which comprehensive permit applications would be encouraged
 - Preferred characteristics of development (e.g., cluster development)
 - Identification of municipally-owned parcels for which housing development proposals would be sought

After the affordable housing plan is approved, the town has to show a certain level of production of 40B eligible units in order to receive certification of the plan. If the plan is certified, the town may deny or condition Comprehensive Permits for one year without appeal. Currently, certification requires the production in one year of $\frac{3}{4}$ of 1 percent of the total year-round census units. If 40B-eligible units are

created in the amount of 1.5 percent of the total year-round housing units, the town can deny or condition Comprehensive Permits for two years without appeal.

In Ashby's case, certification of compliance with the plan would require production of approximately 8 units. In the absence of a certified plan, Ashby can benefit from having a master plan with an affordable housing component, which now can be considered by the Housing Appeals Committee if a developer appeals a denial or conditional comprehensive permit.

Potential Legislative Changes to 40B

A state Task Force on 40B issued recommendations in June 2003 and legislation incorporating those recommendations was filed in October 2003. Major elements of the proposed legislation include the following:

- Affordable ownership units will be counted twice. This provision is retroactive
- Affordable housing built with Community Preservation Act funding will be counted towards the 40B percentage.
- Recent progress towards the 10% goal, defined as creation of 2 percent of eligible affordable housing, will give a community a one year moratorium on comprehensive permit applications.
- Communities with an approved affordable housing planned production plan may deny comprehensive permit applications for specified periods as follows:
 - ½% of total year round housing units – 1 year period
 - 1% of total year round housing units – 2 year period
 - 1.5% of total year round housing units – 3 year period
- A community that has approved 3 or more comprehensive permits of 20 or more units each in the preceding 12 months may deny the next application for a comprehensive permit.
- For projects on town borders, communities can have shared hearings, shared infrastructure and services costs, and shared counting towards the 10% goal.

Meeting the 10 percent Chapter 40B goal

The 10% goal for deed-restricted affordable units is calculated on the basis of census-year year-round units – in Ashby's case, 1000 housing units. This means the Chapter 40B goal for Ashby is 100 affordable housing units. Given the average household size of 2.98 persons, those units could bring an additional 298 people to the town.

Depending on how these units are produced, the goal might increase as the total number of units grows. For example, if 100 affordable ownership units are produced in projects in which 25% of the units are affordable, that means that the total number of new housing units would be 400, thus increasing the 10% goal to 140. Rental projects and projects with higher percentages of affordable units do not have the same impact. Moreover, if the Chapter 40B reform legislation passes with the provision to count ownership units twice, the impact would change again if the affordable housing were ownership housing.

Executive Order 418

Housing Certification through Executive Order 418 is a separate and distinct process from qualifying housing for the Chapter 40B affordable housing inventory. Housing Certification is voluntary, however, certain discretionary state grants, including the Public Works Economic Development grants, will not be available to Ashby if it does not obtain EO 418 Housing Certification. In addition, housing certified communities receive bonus points in grant competitions for open space funds and other environmental grant programs. To be certified, communities must show that they have a strategy to provide housing for low, moderate and middle income households and that units are actually built for households in these income groups.

Unlike 40B, for the purposes of EO 418 qualifying units include not only new units affordable to households with incomes 80 percent and below the median, but also new ownership units affordable to households with up to 150 percent of median income and new rental units affordable to households with up to 100 percent of median income. In the Fitchburg-Leominster area, of which Ashby is a part, this means that middle income ownership units for a family of four can cost up to \$299,759 (well above the Ashby 2002 median single family home price of \$191,450) and middle income rental units can cost up to \$1,523 a month.

Ashby's recent certification request for FY 2004 has been approved on the basis of an addition of 22 ownership units assessed between \$100,000 and \$299,759 during FY 2003.

Current Affordable Housing Activities

Ashby participates in the Montachusett Regional Housing Rehabilitation Program funded by state Community Development Block Grant allocations. This regional rehabilitation program is providing Ashby with up to \$300,000.00 to assist six local homeowners with renovations. The Board of Health also maintains an account to provide low interest loans to upgrade septic systems. Ashby has also participated in several housing programs administered by RCAP Solutions (the new name of Rural Housing Improvement, Inc./RHI): Home Repair and Rehabilitation, Home Ownership and Housing Counseling, and the Home Modifications Loan Program for people with disabilities.

There is no Housing Partnership or affordable housing committee in town, nor is there a local nonprofit development entity. However, RCAP Solutions is a regional nonprofit that could assist Ashby with affordable housing issues.

What Does Affordable Housing Look Like?

Many people have an image of affordable housing that is based on high-rise public housing projects in cities. In fact, affordable housing today takes many other forms, from single family homes to garden apartments. It fits in so well with local character that people in many communities drive by affordable housing every day without realizing it. Examples of affordable housing types are shown below:



From left to right these are a single family home in a mixed-income development in Weston; a multi-family building designed in the vernacular, farmhouse style in Lexington; a duplex in Sudbury; and low-rise garden apartments in Amherst. (Photos courtesy CHAPA.) Affordable housing can be designed to fit into Ashby's rural character.

B. RECOMMENDATIONS

HOUSING DEVELOPMENT AND COMMUNITY CHARACTER

Mitigate the effects of Approval-Not-Required (ANR) development.

Because of state law, Ashby has little control over ANR development along road frontage. However, current zoning promotes homogeneity by requiring 200 feet of frontage on two-acre lots in most of Town. There are a few changes that Ashby could make to encourage more variety in how new housing is sited and to preserve the visual character of rural roads.

A bill is currently in the legislature (the Land Use Reform Act) that would eliminate the ANR provision, which is unique to Massachusetts, and modify the grandfathering provisions of the state zoning act (Chapter 40A). The chances of gaining these reforms for communities like Ashby, where ANR development is destroying rural character, is dependent on the willingness of these communities to accept and accommodate a fair share of housing growth and affordable housing.

New zoning and planning tools and new approaches to housing can help Ashby do this while retaining its rural character.

- **Establish Scenic Roadways**

State law allows towns to establish Scenic Roads (MGL c. 40 sec 15C). Scenic road designation gives a minimum of protection to trees and stone walls *within the limits of the road right-of-way only*. The Planning Board reviews proposals for removing trees or disturbing stone walls. This does not mean that the trees and walls are completely protected but only that the work must be reviewed in a public hearing and ruling made by the Planning Board.

- **Road corridor overlay districts**

The Town could establish an overlay district on both sides of a road corridor in designated areas in which stone walls, natural vegetation, or existing trees and shrubs of a certain size, must be retained within 25 feet of the road except for driveway entrances.

- **Variable frontage requirements and “backland” zoning**

ANR development encourages the land along roadways to be developed in shallow strips leaving the “backland” undeveloped. To avoid the consequences of ANR development, Ashby can offer smaller frontage requirements in return for siting homes farther from the road on larger lots than the minimum for the zoning district and requiring that the house not be visible from the road. Significant features in the frontage can be preserved or the resulting land left undeveloped can be protected through conservation easements to prevent further development.

Similarly, backlot zoning permits creation of house lots along a common driveway that goes to the rear of an existing large parcel. For example, a meadow and farm house that front on the road can be preserved, while some of the land in the rear is sold for house lots. Having a common driveway means there is only one curb cut from the road. This ultimately not only preserves the town character in the view from the road, but it also helps reduce the opportunity for future subdivision development in the backlands.

In order to preserve the rural feel of the landscape for residents who are now used to having large, undeveloped areas at the rear of their properties, zoning changes would need to take into account the need to preserve substantial buffers of natural vegetation at the edges of the parcels where new homes are built.

- **Require retention of significant existing vegetation**

Ashby’s current site plan review requirements do not require that the Site Composite Plan show existing vegetation as part of the Natural Site Characteristics. In the Landscape Plan for the proposed development, requirements are limited to showing proposed plantings and using existing vegetation where possible in landscape buffers. The requirements should be modified to require plans that show existing vegetation and the location of significant trees (for example 12 inches DBH [diameter at breast height]) within the area proposed for site modification. Significant trees should be preserved if possible. This information would give the Planning Board the information it needs to evaluate whether existing vegetation is being retained. The Development Impact Statement for subdivisions and site plan review should also explicitly include requirements for impacts on natural vegetation and consultation of the Town’s open space and recreation plan to minimize impacts on wildlife habitat and corridors.

- **Amend the zoning bylaw to make the front setback requirements for infill development or redevelopment in the Town Center compatible with the existing historic village character.**

The current bylaw requires a front setback that is very big in comparison to the historic pattern of building in the town center, where houses developed closer to the street. Revision of the bylaw will insure that any future development will conserve that character.

Establish Conservation Subdivision Zoning by right for parcels of 4 acres or more.

In 2000, the state legislature passed a law allowing municipalities to establish cluster development by right. This eliminates the disincentive of a special permit process, but still allows Towns to have oversight through the site plan review process. A carefully written bylaw along with good subdivision rules and regulations will allow the Planning Board and the public sufficient review of cluster projects.

Cluster subdivisions, sometimes also called open space or conservation subdivisions allow for flexible siting of homes on a parcel so that larger areas of open space are preserved. In some communities, early versions of cluster bylaws did not include sufficient guidelines to insure that the open space preserved in the project was usable and viable. However, when correctly designed, these kinds of subdivisions can be a powerful tool for communities like Ashby that wish to preserve networks of open space and promote more housing diversity. Because the Town will not be able to preserve all important open space by acquisition, directing potential developers to use this kind of site design within the context of the Town's plan for preferred open space networks will help conserve the rural visual and environmental character of Ashby.

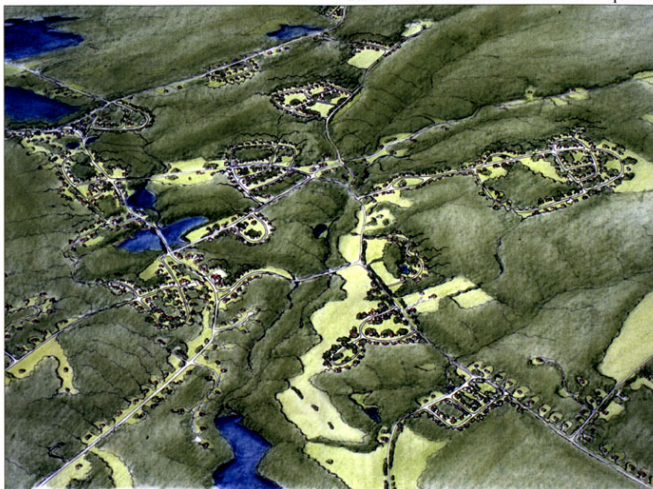
Rural District -- Existing Conditions Before Development



Rural District -- After Conventional Development



Rural District -- After Creative Development



CONSERVATION SUBDIVISION DESIGN

Conventional Residential Development and Creative Residential Development in Rural Areas

Top:

This rural area has a mix of open meadows and forested parcels and a few historic mill villages, as well as streams, ponds, wetlands, and farm fields.

Middle:

Most of this area is zoned for two-acre single family development. The drawing does not show development on areas of poor soils, steep slope and difficult access. Nonetheless, this development pattern results in lowered water quality from polluted runoff, fragmented wildlife habitat, and destruction of scenic vistas.

Bottom:

Two-thirds of the site has been permanently preserved by clustering the same number of houses allowed at the two-acre density on smaller lots at one side of the parcel. Most uses are single family, with provision for a limited number of accessory apartments or duplex units. The houses are clustered in neighborhood groups of 12 to 24 around a public space. Benefits include:

- Conservation restrictions to preserve farm uses and a natural buffer around the stream corridor
- Roads follow the lay of the land
- Shared driveways and parking where possible lower costs and increase yard space

Source: Peter Flinker [Dodson Associates], *South County Design Manual*, 2001

A simple methodology for planning these subdivisions has been developed and publicized by landscape architect Randall Arendt, who uses the name “conservation subdivision design” to emphasize its value as a conservation tool.¹ Conservation subdivision design has four steps and reverses the process generally used in conventional subdivision design:

- 1) Identify land on the site that should be permanently protected:
 - a. Primary Conservation Area - constrained lands such as wetlands, floodplain and steep slopes
 - b. Secondary Conservation Area - environmental, scenic, and cultural resources such as wildlife corridors, mature woodlands and individual trees, stone walls and farm hedgerows, including attention to key resources and connections identified in the Town Open Space and Recreation Plan

Once these lands are identified, the rest of the site becomes the Potential Development Area. Attention should be given to potential links between the subdivision’s conservation areas and adjacent protected and unprotected open space.

- 2) Locate house sites within the potential development area to maximize views of open space.
- 3) Align streets and trails to serve the houses and provide access to open space.
- 4) Draw in the lot lines.

The advantage of this method is that it first identifies for preservation the most environmentally sensitive and scenic lands for preservation, rather than locating houses and roads first.

The Metropolitan Area Planning Council has prepared a model bylaw under the name Open Space Residential Design that includes the four-step design process described above. The model bylaw includes the following procedural requirements and steps:

- Use of a registered Landscape Architect in the design process
- Encouragement of a pre-application conference with the Planning Board, Conservation Commission, Board of Health and any other appropriate boards or commissions.
- Submission of a Concept Plan made up of a Sketch Plan using the four-part design process and applying the by-law’s design standards and a Yield Plan showing the number of possible lots under a standard subdivision plan
- After Planning Board approval of the Concept Plan, submission of a Site Plan based on the Sketch Plan but fully engineered to include stormwater and wastewater management, utilities and other information required by subdivision rules and regulations.

¹ The most detailed discussion is in his book, *Growing Greener: Putting Conservation into Local Plans and Ordinances*, Washington, DC: Island Press, 1999.

The design standards include housing types and housing mix, percent of required open space (in the model bylaw, at least 50% of the site must be in contiguous open space and include no more than the total site percentage of wetlands), buffers to roads and water resources, parking and driveways, screening and landscaping, and so on.

Typically, the total number of units that can be built in a conservation subdivision would be the same number as would be allowed under conventional development and the conservation subdivision by right would be an alternative by-right option. For example, Ashby's current RA zone requires two-acre lots. Therefore, a conservation subdivision on a 10-acre parcel would allow 5 homes in this typical scenario. However, Ashby may wish to offer a slightly higher number of units to encourage use of conservation subdivisions. It could also eliminate conventional subdivisions (except for ANR) altogether and require that all development of more than two houses be clustered, making Conservation Subdivisions the mandatory, by-right subdivision type for all parcels of 4 acres or more. Communities also often establish bonuses to encourage developers to meet a variety of community goals, such as protecting a higher percentage of open space, providing a percentage of affordable units, and providing housing restricted to over-55 occupants. The elements appropriate for Ashby need to be worked out in more detail in the implementation phase of the Community Development Plan.

One of the many concerns that communities face when considering conservation subdivisions is how they can guarantee that quality open space will result. This is accomplished in several ways. Using Arendt's design process, areas important for scenery, wildlife, and cultural preservation are protected, as well as unbuildable wet and steep areas. Many towns require that the open space preserved in the development must not contain more wetland area than the parcel as a whole. In some cases, developers have found it beneficial to preserve more open space than originally planned. For example, in the Old North Mill Development in Hopkinton, the developer eliminated nine lots to save the expense of Conservation Commission filings, infrastructure and carrying costs.

Possible impacts on home values are another potential concern for residents when considering conservation subdivisions. Studies of Massachusetts conservation subdivisions have found that lot size did not make a difference in assessed value of property and resale values have been strong.

Study wastewater management options for Ashby Center that would permit more development.

Ashby's historic center is an obvious place to direct some future residential development, but the center lacks wastewater capacity. Study of the feasibility and financing requirements of a variety of options is needed. Options to consider include package plants, communal wastewater systems that could use land under roads for leaching fields and solar aquatics systems.

Create “Country Corners Housing”

It has always been common in rural towns for small groups of houses to be clustered at the intersections of country roads. The Town can identify suitable intersections where a few houses already exist to zone for smaller lots (one-half to one acre) and frontages around the intersections. This kind of development could also be promoted by small overlay districts to promote this kind of hamlet-style settlement pattern. By doing this, the Town would be encouraging more variety in housing placement and housing type, but in a way compatible with rural character. Attention to wastewater and drinking water needs would be necessary in evaluating specific locations for this option.

Consider establishing zoning and a Transfer of Development Rights program to promote the emergence of a new compact, village center with design standards compatible with Ashby’s character and to encourage small, more compact nodes of housing at major country road intersections.

Ashby could promote the development of a new mixed-use, pedestrian-friendly area for village-style compact housing, including affordable housing and services, in the commercially-zoned district on Route 31, perhaps in the former sand pits. This could be done by zoning the area for higher density development with a strong set of standards and guidelines to shape the kind of development that is desired. Smaller lots for cottages and duplexes or creation of small-scale multifamily housing would require innovative, communal wastewater systems.

Because part of the purpose of directing development to a more compact village is to promote the preservation of critical open space, creation of the new village could be coupled with preservation of rural open space by establishment of a Transfer of Development Rights (TDR) program. In a TDR system, the development rights to one parcel (the sending area) are sold for use on another parcel (the receiving area). It is often difficult to make TDR programs work within a single municipality. TDR programs are most effective when the geographical market is wide enough and the real estate market is large enough to support it. TDR programs also work best when they are paired with complementary rezoning of an area.

If TDR in Ashby were part of an outreach program to owners of critical open space and the linkage made with development of a new residential village, it might be possible to make this tool work for both open space preservation and creation of some compact housing in a village environment. For a type of nodal-village development, it might be better to organize a more hands-on approach through a task force which would be dedicated to achieving certain transfers in order to shape development.

Permit innovative housing types by right, such as co-housing, subject to design guidelines and site plan review.

Cohousing is a type of collaborative housing that began in Denmark in the 1960s and has now spread to the United States. Cohousing communities have private housing units with all amenities for each household but also provide common facilities that often include a kitchen and dining room for community meals, meeting and recreation rooms, space for children, etc. Members of cohousing groups participate in the design and creation of the cohousing community. This kind of housing can fit very well with the rural character of Ashby because cohousing in a rural setting would have a village or farmstead style of design. It would help break up the homogeneity of building style and siting that conventional development promotes. If this kind of housing were to be permitted by right on parcels of at least 4 acres, it should be made subject to the kind of four-part process that would be required for conservation subdivision zoning and to design standards.

Although cohousing is not widespread, it is a growing phenomenon. In Massachusetts there are seven completed cohousing communities, four that own a site or are building, and three groups that are forming or seeking a site. The completed communities are in Amherst, Acton, West Tisbury, Northampton and Cambridge. If Ashby were to establish a bylaw to encourage cohousing, it could then let organizations such as The Cohousing Association of the United States know that the Town would welcome this kind of development. The idea of trying to attract development might seem to go against the Town's general desire for as little new development as possible, but the reality is that Ashby will get new residential development and it will be more successful in preserving rural character if it takes action to shape development.

AFFORDABLE HOUSING

Affordable Housing: Unit Mix Goals	Units per year over 10 yrs	Total over 10 yrs
Accessory apartments	2	20
Senior affordable rental units	5	50
Small scale rental units affordable	3	30
Ownership units - single family homes	2	20
Total	12	120

Establish the Ashby Housing Partnership to focus on promoting affordable housing

Housing Partnerships are volunteer groups, usually appointed by Boards of Selectmen, which take the lead in planning for affordable housing. Membership should include people with appropriate interest and expertise, such as public officials, business and community leaders, attorneys, realtors, clergy, and Housing Authority representatives. The activities of the Housing Partnership would likely include the following:

- Increasing public awareness through forums and other public events

- Establishing criteria to evaluate affordable housing proposals
- Making recommendations on the pros and cons of particular housing proposals
- Identifying public and private resources to further development
- Locating available land suitable for development
- Reviewing land use regulations and zoning bylaws
- Working with developers of affordable housing

Seek technical assistance from the Massachusetts Housing Partnership (MHP).

MHP has assisted many communities in creating effective Housing Partnerships and creating affordable housing that is compatible with community character. It also can provide pre-development funding, technical assistance, bridge financing and assistance to communities in working on Chapter 40B proposals.

Inventory and study the feasibility of using town-owned parcels and buildings for affordable housing.

The cost of land is often one of the barriers to affordable housing creation. If the town can offer land or buildings as a contribution to an affordable housing project, it reduces the cost of production. Ashby does not own large amounts of property but there may be opportunities for the town to contribute on a small scale.

Create senior housing with the assistance of the regional nonprofit housing developer and federal funding.

RCAP Solutions, the regional affordable housing nonprofit, has helped neighboring communities like Townsend create affordable senior housing using federal funding (HUD 202 funds). RCAP Solutions can also help Ashby evaluate the feasibility of developing small-scale, 4-5 unit buildings for seniors, perhaps in the proposed new village.

Explore the possibility of a “friendly 40B” or Local Initiative Program project on town-owned property or private property.

The Department of Housing and Community Development’s Local Initiative Program provides technical assistance to local communities that produce affordable units and counts them towards the Chapter 40B inventory, while allowing a greater degree of flexibility than is available for projects with direct financial subsidies.

Establish inclusionary/incentive zoning for subdivisions.

Inclusionary zoning requires a developer to provide a certain percentage of affordable units within a development of a certain number of housing units. For example, Ashby could require that developers of 10 or more units be required to provide 10 percent affordable units. The Town could also provide for a payment to an affordable housing fund or trust in lieu of providing the actual units, which would help create funding for creation of affordable units. Because Ashby does not have many large subdivisions – at least not now -- inclusionary zoning will not immediately create a large number of units, but it should still be pursued as part of an overall affordable housing strategy. Incentive zoning provides density bonuses in return for the inclusion of affordable housing. Without an incentive, for example, one additional market rate unit for every affordable unit created, developers may prefer to build a smaller number of larger and more expensive units just under the threshold. If the threshold for inclusionary zoning were to be 10 units, developers might make a point of building subdivisions of 9 units. The town would then still be accommodating more market rate housing, but without the benefit of affordable housing.

Amend zoning to permit accessory units by right and new duplex housing by right if one unit is permanently affordable.

Ashby currently allows accessory units by special permit. Permitting accessory units by right, subject to an abbreviated site plan review process, would expand the variety of housing options in Ashby. An incentive to create permanently affordable housing in scattered sites, so that it would be easily integrated into the community, would be to allow duplex housing (currently prohibited) as long as one of the units has a deed restriction for permanent affordability.

Allow affordable single family or two-family affordable housing on substandard parcels.

Parcels that lack required size or frontage but that otherwise provide necessary water and wastewater capacity could be made legal lots for building affordable units or duplexes in which one unit is affordable.

Adopt the state law on tax title properties that provides for forgiveness of taxes owed to developers of affordable housing.

Municipalities can adopt a state law that allows them to forgive taxes owed on tax title properties if a new owner will develop affordable housing. Although there may not be many opportunities of this type in Ashby, it is worthwhile to have this tool should an opportunity arise.

Study creation of a new community land trust for affordable housing or expand the mission of the existing Ashby Land Trust to include projects that combine limited development (including affordable housing) and conservation.

Community Land Trusts keep permanent ownership of land and lease it for the creation of affordable housing. The homeowner or owner of a rental building does not own the land, which is typically provided in a renewable 99-year low rent lease. The low cost of land then makes it possible for the home to be sold at affordable prices or rents to be set at affordable rates. This could be another option whereby Ashby could simultaneously accommodate the need for affordable housing with the preservation of open space and avoidance of conventional, suburban-style development.

Explore the feasibility of tax abatements on existing homes occupied by income-eligible households in return for affordability agreements.

The Town of Marion is developing a program for local homeowners whose incomes are at 80 percent or below the regional median in which they would receive tax abatements in return for affordability agreements that would make the homes eligible for the 40B inventory. In this way the Town would be able to increase its supply of permanently affordable housing without increasing the total number of housing units. The program will require state approval. Ashby could consider a similar program.

Housing Action Plan			Priority	Time Line
<i>Goals</i>	<i>Policies</i>	<i>Strategies</i>	H (High) M (Medium) L (Low)	S (Short: to 2 yrs) M (Medium: 2-5 yrs) L (Long: over 5 yrs)
Shape housing development to preserve rural character	Mitigate the effects of ANR development	Establish Scenic Roadways		
		Establish road corridor overlay districts 25 ft from the road edge to retain existing vegetation and stone walls except for curb cuts	H	S
		In designated areas, establish backlot zoning and smaller frontage requirements in return for siting homes in back land where they are not visible from the road and use common driveways.	H	S
		Establish Conservation Subdivision Zoning by right for parcels of 4 acres or more	H	S
		Require the retention of significant existing vegetation in site plan review	H	S
		Study the feasibility of wastewater management options for Ashby Center that would permit more development	M	M
		Consider establishing zoning and a Transfer of Development Rights Program for a new compact village center and village nodes with design standards	M	M

Housing Action Plan			Priority	Time Line
<i>Goals</i>	<i>Policies</i>	<i>Strategies</i>	H (High) M (Medium) L (Low)	S (Short: to 2 yrs) M (Medium: 2-5 yrs) L (Long: over 5 yrs)
		Amend the zoning bylaw to make the front setback requirements for infill development or redevelopment in the Town Center compatible with the existing historic village character	M	M
Provide for permanently affordable housing to provide options to senior citizens, young people, and others needing moderately-priced housing and to meet Chapter 40B goals		Establish the Ashby Housing Partnership to focus on promoting affordable housing	H	S
		Seek technical assistance from the Massachusetts Housing Partnership	H	S
		Inventory and study the feasibility of using town owned land or buildings for affordable housing	H	S
		Create senior housing with the assistance of RCAP Solutions and federal funding	H	M
		Explore the possibility of a “friendly 40B” or Local Initiative Program project on town-owned or private property	M	L
Provide for permanently affordable housing to provide options to senior citizens, young people, and others needing moderately-priced housing and to meet Chapter 40B goals (continued)		Establish inclusionary / incentive zoning for subdivisions	M	M
		Amend zoning to permit accessory units by right and new duplex housing by right if one unit is permanently affordable	H	S
		Allow affordable single family or two-family housing on substandard size parcels	H	S
		Adopt the state law on tax title properties that promotes affordable housing creation in return for forgiveness of taxes owed	L	S
		Study creation of a new Community Land Trust or expansion of the mission of the Ashby Land Trust	M	M
		Explore the feasibility of tax abatements on existing homes for income-eligible households who agree to permanent affordability agreements	M	M

C. HOUSING AND RESIDENTIAL DEVELOPMENT MAPS

Housing

This map identifies the distribution of existing housing types by parcel, based on Assessor's Data, as well as vacant residential parcels identified by the Assessor as developable, potentially developable, and undevelopable. These categories are often a matter of judgment and developability can change based on land assembly and other factors.

Vacant and Subdividable Land

This map shows existing zoning district boundaries and identifies parcels that are built out according to existing zoning, those that are vacant, and those that have a building on them but have enough land under current zoning to be subdivided.

Housing Opportunities

This map shows potential areas for new housing.