

# **TOWN OF EASTON COMPREHENSIVE PERMIT POLICY**

## **Summary**

In July of 2005, the Easton Board of Selectmen officially adopted an Affordable Housing Production Plan which was subsequently submitted to and accepted by the Commonwealth's Department of Housing and Community Development (DHCD). In order to insure that housing development in the Town of Easton meets the needs of the town while remaining in compliance with State requirements under Chapter 40B, the state Comprehensive Permit Law, the Town of Easton will need to demonstrate progress toward the objectives described in the Plan. The more clearly the needs of the Town can be articulated, the more likely we are to encourage Comprehensive Permit applications that meet them.

This Comprehensive Permit Policy is being submitted to the Board of Selectmen by the Housing Partnership Committee (HPC) to communicate the Town of Easton's preferences for housing developed under Chapter 40B. It is the intention of the HPC that this policy be officially adopted by the Board of Selectmen and the Planning Board for use in connection with Comprehensive Permit Applications. The main purpose of this policy is to encourage developments that address five local objectives:

- Provide permanently affordable housing for low- and moderate-income – households as defined by regulation (i.e., “low- and moderate-income” means households with income at or below 80% of area median income (AMI), adjusted for household size, for the Providence-New Bedford-Fall River-RI-MA MSA).
- Respect our natural resources;
- Contribute to the vitality and attractiveness of Easton's villages and business districts;
- Minimize adverse fiscal impacts; and
- Reflect a collaborative approach by the developer and Town.

Toward these ends, the Town encourages applications for small-scale comprehensive permit developments that serve low- and moderate-income households, but not necessarily exclusively if possible. We would like to see developments that make use of existing structures or conform to the established architectural traditions in our community. We also prefer developments located in the areas described in Appendix A attached. Small, attractive affordable housing developments in these areas will help us expand our inventory of low- and moderate-income housing in a manner that acknowledges the Town's land use policies, development traditions and fiscal capacity.

Population diversity has historically been important to Easton, and we recognize that housing alternatives are essential to retaining diversity. We also want to create

opportunities for people with a connection to Easton to stay here or move into our neighborhoods. In addition, we know that Easton's economic base relies on a labor force with varied skills. To keep our existing businesses and attract new ones, we need housing for workers at all wage levels to live in our community. Therefore, developments that include rental units, two-family dwellings, mixed-use (residential and commercial), and developments that reuse and rehabilitate existing buildings, such as obsolete commercial, industrial or institutional space will generally be deemed consistent with our Comprehensive Permit Policy. These proposals may receive a favorable review if they are environmentally responsible and incorporate architectural features commonly found in Easton's residential neighborhoods. In addition, where appropriate and feasible, redevelopment in areas zoned for commercial or industrial development might be considered if they provide affordable housing mixed with other uses.

Like most communities, Easton is very concerned about protecting the quality and adequacy of its drinking water supply. We discourage higher-density housing in a Department of Environmental Protection (DEP) Zone II, but a development that minimizes impervious coverage and includes a package treatment plant that meets or exceeds DEP requirements for a nitrogen-sensitive area could be considered. Easton has several areas of Priority Habitat and they are categorically inappropriate for higher-density housing. In addition, Easton is located within two Areas of Critical Environmental Concern (ACEC) which the town would like to protect to the maximum extent possible. It is the Town's position that avoiding Priority Habitat areas and minimizing impact to ACECs does not severely limit the opportunities to develop affordable housing in Easton. Comprehensive Permits will most likely be subject to conditions requiring a development to conform to most of the Town's environmental regulations or provide suitable mitigation when doing so does not make a project uneconomic to build.

## **Policy Statement**

### **1. Housing Priorities**

**Low and Moderate Income Rental Housing.** Easton has a severe shortage of rental units for low-income households, and a generalized shortage of rental housing at below-market rates, such as apartments for households below 100% of area median income (AMI). The Town encourages development that addresses these needs. Hypothetically, if we could choose one of two concurrently filed comprehensive permit applications, Easton would give priority to the proposal that provides more affordability for low-income households and is more consistent with our long-term planning goals. We encourage applicants with an interest in rental housing to work with the Board of Selectmen, Planning and Zoning Department, the HPC, and the Conservation and Historical Commissions to design a mutually beneficial development.

**Mixed-Income Homeownership.** There is a substantial gap between affordable housing and market-rate homes in Easton. To provide housing alternatives, the Town encourages homeownership developments that offer affordable housing for low- and moderate-

income families. The Town will consider a modest density increase in exchange for some units affordable to middle-income households, which we define as households with incomes between 81-120% AMI, provided these units are in addition to the state's requirement that at least 25% of the units be reserved for low- and moderate-income households (at or below 80% AMI).

## **2. Relationship to Community Planning Goals**

Our Town's housing needs are described and documented in Easton's Housing Production Plan which has been adopted by the Board of Selectmen and approved by the Massachusetts Department of Housing and Community Development (DHCD) under the Chapter 40B Planned Production Regulation and can be found on the Town's web site: [www.easton.ma.us/Directory/housing\\_partnership/EastonHousingProductionPlan-Final.pdf/](http://www.easton.ma.us/Directory/housing_partnership/EastonHousingProductionPlan-Final.pdf/).

## **3. Development Preferences**

Development preferences are based on the results of a survey distributed to the all Town's boards and committees with an interest in and/or oversight of land use issues. In general, Easton may give preference to comprehensive permits with the following characteristics:

- **Types of Housing.** In addition to a preference for affordable rental and mixed-income homeownership units, Easton wants a mix of unit sizes to accommodate individuals and families. For example: A development comprised primarily of two-bedroom apartments, with 12-15% three-bedroom apartments, is preferable to one dominated by small units and no three-bedroom units or one in which more than 25% of the units have only one bedroom.
- **Location.** Easton may give preference to comprehensive permits in the following areas (see Appendix A for map):
  - a) **Route 138**
  - b) **Route 123**
  - d) **Route 106**
  - e) **Main Street from Rt. 138 to the Brockton line**
  - f) **North Easton Center – Mixed Use Commercial/Residential**
- **Mixed-Use Developments.** Easton welcomes affordable housing in developments that offer a mix of residential and commercial space. Dwelling units above the ground floor of a commercial building, or upper-story units combined with a free-

standing multi-family building on the same lot, would be acceptable in most of the areas listed above.

- **Density and Scale.** Easton recognizes that density is important to the feasibility of an affordable housing development. However, the Town has valid planning and fiscal reasons to promote small-scale development. Generally, Easton will give preference to a small affordable housing development over one of a larger scale, regardless of density. An application for 20 or fewer units is strongly preferred.
- **Height.** Easton prefers affordable housing developments that are architecturally similar to surrounding residential areas. Building heights should be consistent with local zoning, although the Town will consider exceptions for buildings comparable to our historic buildings such as the Oakes Ames Memorial Hall in massing, bulk, articulation, and details. In general, buildings should be harmonious with Easton's existing architectural styles.
- **Building and Landscape Design Considerations.** The Town recognizes that many factors determine appropriate design. What is aesthetically pleasing to some is objectionable to others, and since design decisions ought to be sensitive to the site and its context, the Town wants to avoid imposing overly prescriptive rules on developers and their design teams. However, local residents appreciate certain architectural styles and wherever possible, developers should try to incorporate them in their proposals.
- **Traditional Design.** A development that accommodates density by making use of locally preferred design elements is more likely to receive support from the Town than one comprised of large, monotonous buildings that lack articulation. Buildings should be oriented toward the street or around a courtyard, or they should respond to a prominent site feature, such as a corner location. Off-street parking, open or covered, should be located toward the side and rear of buildings, so that views from the road are defined by buildings and landscaping, not pavement. Attention to walkability, both within a development and between the site and surrounding areas, will strengthen the desirability of a comprehensive permit proposal.
- **Open Space and Natural Resources.** The use of open space and landscaping to provide visual relief and connectivity within a development is very important. Protecting mature trees and preserving as much existing vegetation as possible would be responsive to the values of our Town. Since comprehensive permit developments are often located on marginal land, site planning should demonstrate sensitivity to nearby wetlands regardless of whether any work on the site requires review or approval under the Wetlands Protection Act. Easton takes wetlands and water resource protection very seriously. Landscaping should minimize high water use turf and emphasize non-invasive, drought-resistant plantings, which may include a variety of trees, flowers, shrubs, succulents and ornamental grasses. If an outdoor watering system is proposed, it is preferred that

a drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system be utilized.

- **Public Benefits.** Easton recognizes affordable housing as one of the public benefits that development can bring to a community. Many developers of affordable and market-rate housing provide other public benefits depending on the size of the project and its impact on municipal and school services, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the project. Larger developments would be expected to help Easton meet the service demands associated with new growth.

#### **4. Affordability Preferences**

Easton has devoted considerable effort to identifying housing needs in our own community in the region. A Comprehensive Permit development that addresses these needs is more likely to receive the Town's support:

- **Desired Percentage(s) of Affordability:** 25-30% for rental or homeownership units. In homeownership developments, a higher percentage of units eligible for inclusion in the Chapter 40B Subsidized Housing Inventory may be considered a reasonable trade-off, when necessary, for a modest increase in density above the guidelines outlined in this Policy Statement. The additional affordable units should be priced for households below 80% AMI, in which case they would qualify for the Subsidized Housing Inventory, but they may be priced for households with slightly higher incomes if there is an affordable housing restriction in place to protect affordability upon resale.
- **Term of Affordability:** Affordable housing built in Easton must be permanently affordable.

#### **5. Affirmative Marketing and Local Preference**

To the maximum extent allowed by law, comprehensive permit developments should provide for local preference tenant or homeowner selection procedures. "Local preference" tenants or homeowners include people with a connection to Easton, such as current town residents or their immediate family members (e.g., adult children or elderly parents), employees of the Town, the Southeastern Regional School District, non-residents working for private employers located in Easton, and people who grew up in Easton.

#### **6. Project Review Procedures**

Below is the process that developers must follow prior to submitting a Project Eligibility/Site Approval application for any development that includes provision for affordable units under Chapter 40B:

- The developer will contact the HPC to arrange a presentation of the proposal at an HPC meeting.
- The HPC will review the proposal against the preferences and standards outlined in this Policy Statement and address any questions to the developer for response.
- The HPC will prepare a written summary of all comments, questions and responses from the developer and transmit them to the developer and to the Development Review Team consisting of representatives from the HPC, the Planning and Zoning Boards, the Historical Commission, the Conservation and Historical Commissions.
- The HPC and Development Review Team will evaluate the proposal using the approach presented in Appendix C.
- The Board of Selectmen will maintain a record of the HPC/Development Review Team's analysis of the project and other written comments. These documents will be part of the official public records file for the development and may be transmitted to the subsidy agency that is responsible for acting on the developer's Project Eligibility/Site Approval application.

If all of the reviewers agree that the proposed development merits a Project Review score of at least 200 points the development may be eligible for a favorable recommendation to the subsidy program. A development that does not meet these standards will most likely receive an unfavorable recommendation from the Town, along with a request to defer action on the Project Eligibility/Site Approval application until such time as identified deficiencies are resolved.

## **7. Compensatory Conditions**

A development project is more likely to obtain support from the Town when the development meets the following criteria:

- Located in one of the areas identified in Appendix A;
- Provides a mix of residential use types and unit sizes;
- Substantially addresses the Building and Landscape Design Considerations in Section 3 of the Permit Evaluation Form;
- Located on residentially zoned land, except for a mixed-use development that includes commercial space or involves reuse of an existing nonresidential structure;
- Provides pedestrian amenities and transportation management to reduce traffic impacts on surrounding areas; and

- Provides a significant public benefit contribution to the Town in addition to affordable housing.

## **8. Comprehensive Permit Application & Review**

The project developer is required to file a complete comprehensive permit application with the Board of Appeals. During the public hearing process, the Board of Appeals will determine its technical assistance and peer review needs and notify the developer of the scope of review and estimated amount of funds required to conduct the review(if any). Peer review will be conducted on those issues that the Board of Appeals has identified as requiring technical assistance to best assist in its review of the pending application

The Board of Appeals may request additional reviews, and it may also identify needs for other reviews depending on issues identified by abutters or other Town boards reviewing the project.

Developers have a responsibility to mitigate the attendant environmental, fiscal and traffic impacts of each proposed project. Mitigation should reflect the size of the project and its impact on municipal and school services, nearby roadways and intersections, the surrounding neighborhood, and needs for community facilities or services in the vicinity of the site. For example, a small neighborhood park accessible to persons with disabilities or a playground may be appropriate mitigation for a development of 50-60 units while a larger development may create needs for a community center or accelerate the need to complete a project identified in Easton's Capital Improvements Plan (CIP), such as water supply or distribution system improvements. Since large developments also tend to generate significant traffic, the Town expects large-scale project developers to include transportation management, traffic mitigation and facilities for pedestrians as part of an application for a comprehensive permit. In general, Easton will give preference to a large development that provides a public recreation facility or community facility, or a cash contribution to help the Town finance such facilities in the future, and sustainable transportation.

**APPENDIX A**

Map: Preferred Areas for Affordable Housing and Higher-Density Development

## APPENDIX B

### Comprehensive Permit Project Evaluation Criteria

#### REVIEW CRITERIA

- Point Values represent the maximum that can be given in any category;
- Partial Point Values can be given;
- Score = Total Point Value

#### I. DEVELOPMENT PREFERENCES

##### Types of Housing

*Includes a mix of unit styles and sizes* 5

*Includes a minimum of 15% 3-BR units* 4

**Subtotal** 9

##### Location

*Site is in a Preferred Location* 10

**Subtotal** 10

##### Mixed-Use Development (if proposed)

*Includes compatible nonresidential uses* 5

*Mixed Use in North Easton Center* 10

*Some or all units are upper-story* 3

**Subtotal** 18

##### Density and Scale

*Height conforms to zoning* 8

*Development comprised of approximately 20 units or less* 10

**Subtotal** 18

##### Building & Landscape Design Considerations

*Building designs similar to those in existing neighborhoods in the area* 3

*Site layout reflects existing neighborhood design in the area* 8

*Viewed from exterior of townhouse and single-family developments, affordable units are indistinguishable from market-rate units* 10

*Includes handicapped-accessible units* 2 points per unit

*Side and/or rear parking* 8

*Walkability: sidewalks, internal pathways* 20

*Connectivity: ease of accessibility to existing neighborhoods or commercial areas* 10

##### Open Space & Natural Resources

*Open space at least 50% of site* 5

*If the site includes wetlands, the plan is in compliance with current Town guidelines  
(Conservation Commission, Zoning Board, etc.) 10*

*Open space is usable by residents of the development 6*

*Landscaping emphasizes low-water-use plantings 10*

*Outdoor irrigation system is designed to conserve water 10*

**Subtotal 140 plus**

Public Benefits

*Provides public benefits in addition to affordable housing 1*

*Additional public benefits include:*

*Pedestrian amenities 5*

*Park and recreation amenities 5*

*Contribution to a local capital improvements project  
appropriate to the scale of proposed development 5*

*Contribution to Town's affordable housing fund 8*

*Traffic mitigation 10*

*Donation of developable land to the Town for affordable housing,  
community facilities, other public purposes 10*

**Subtotal 44**

**II. AFFORDABILITY PREFERENCES**

Percentage of Affordable Units

*Development provides more than 25% minimum affordable units 2 Points for  
each additional unit*

Income Targets

*One or more units priced for households below 70% AMI 5*

*Includes any units priced for households at 50% AMI 4*

*Includes any units priced for households at 31-50% AMI 4*

*Includes any units priced for households at 81-110% AMI 4*

**Subtotal 17 plus**

Term of Affordability

*Use restriction will be perpetual 10*

**Subtotal 10**

**III. AFFIRMATIVE MARKETING & LOCAL PREFERENCE**

Local Preference Units

*Offers 70% local preference units 5*

Affirmative Marketing Experience

*Team includes person/organization with prior affordable housing lottery experience 5*

**Subtotal 10**

**TOTAL 256 plus**

**IV. LARGE-SCALE PROJECT PUBLIC BENEFIT CRITERIA**

Project provides any of the following benefits:

*Transportation management 10*

*Significant contribution to local capital improvements fund 10*

*Significant contribution to Town's affordable housing fund 10*

*Provision of additional affordable units in off-site locations 10*

**TOTAL 40**

**GRAND TOTAL POINTS: \_\_\_\_\_**

**REVIEWER COMMENTS (if any):**