

# TOWN OF LAKEVILLE MEETING POSTING & AGENDA REMOTE MEETING

Town Clerk's Time Stamp  
received & posted:  
LAKEVILLE TOWN CLERK  
ROUD 2023 FEB 21 PM 3:55

48-hr notice effective  
when time stamped

Notice of every meeting of a local public body must be filed and time-stamped with the Town Clerk's Office at least 48 hours prior to such meeting (excluding Saturdays, Sundays and legal holidays) and **posted thereafter in accordance with the provisions of the Open Meeting Law, MGL 30A §18-22 (Ch. 28-2009)**. Such notice shall contain a listing of topics the Chair reasonably anticipates will be discussed at the meeting.

Name of Board or Committee:	Planning Board
Date & Time of Meeting:	Thursday, February 23, 2023 at 7:00 p.m.
Location of Meeting:	<b>REMOTE MEETING</b>
Clerk/Board Member posting notice:	Cathy Murray

Cancelled/Postponed to: \_\_\_\_\_ (circle one)

Clerk/Board Member Cancelling/Postponing: \_\_\_\_\_

## A G E N D A

1. In accordance with the provisions allowed by Chapter 20 of the Acts of 2021, the **February 23, 2023**, public meeting of the **Planning Board** will be held remotely. **However, to view this meeting in progress, please go to [facebook.com/LakeCAM](https://www.facebook.com/LakeCAM) (you do not need a Facebook account to view the meeting). This meeting will be recorded and available to be viewed at a later date at <http://www.lakecam.tv/>**
2. Discussion regarding Gillian Drive- road acceptance – Jamie Bissonnette
3. Housing Production Plan – Review and discuss draft -Taylor Perez of SRPEDD
4. MBTA Communities Program Discussion - Taylor Perez of SRPEDD
5. Discussion regarding Inclusionary Zoning By-law
6. Approve the January 12, 2023, Meeting Minutes
7. Review correspondence
8. Next meeting. . . March 9, 2023 at the Lakeville Police Station
9. Any other business that may properly come before the Planning Board.
10. Adjourn

*Please be aware that this agenda is subject to change. If other issues requiring immediate attention of the **Planning Board** arise after the posting of this agenda, they may be addressed at this meeting.*



## Lakeville Planning Board Meeting SRPEDD Agenda February 23<sup>rd</sup>, 2023

- Overview of the Housing Production Plan First Draft
  - Remaining information to be incorporated
    - Eligible sites for 40B and additional housing production
    - Eligible sites for 40R (Starter Home and/or Expansion)
    - Zoning Map
    - Overview of existing infrastructural capacity
  - Call for photographs
- Outline of HPP next steps
  - Incorporation of any edits discussed at the meeting
  - Laying out of HPP into a graphically designed document
  - Final review by Planning Board (if necessary, dependent on number of edits and PB preference)
  - Review by Select Board
  - Review by DHCD
    - SRPEDD will discuss DHCD's requested edits with the Town
    - Upon review and incorporation of DHCD edits, SRPEDD will provide DHCD with the **final** Lakeville Housing Production Plan
    - DHCD will inform us that all necessary edits have been incorporated
  - Adoption by Select Board
    - Town must furnish proof of adoption to DHCD
      - Letter signed by municipal CEO
    - DHCD will inform Lakeville of HPP "approval"
      - Five-year lifespan of HPP begins
- Overview of Section 3A Technical Assistance
  - MHP award and timeline (attached)
  - Review of Siting Your District (for Adjacent Communities) presentation and methodology

# First Draft

# Lakeville Housing Production Plan

# Text

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# Introduction

## The Town of Lakeville

Lakeville is a small, rural community of just over 11,500 residents. Nestled between Taunton, Middleborough, Berkley, Freetown, and Rochester, it is known for its scenic natural resources, agriculture (including being home to the Ocean Spray Corporate Headquarters), and town charm.

In 2022, Lakeville partnered with the Southeastern Regional Planning and Economic Development District (SRPEDD) to update their Housing Production Plan, last updated in 2018. A Housing Production Plan (HPP), as defined by 760 CMR 56, is a document that shall contain at a minimum the following elements, covering a period of five years:

1. Comprehensive housing needs assessment;
2. Affordable housing goals; and
3. Implementation strategies.

We'll go into more detail about the corresponding sections, but in a nutshell, it is a *community's proactive strategy for planning and developing affordable housing*. It's developed with opportunities for residents and stakeholders to learn about the planning process, become informed of the plan, and to provide input. HPPs assist communities in planning for low-, moderate-, and middle-income residents by outlining a path to producing a variety of affordable housing options, including both subsidized and market-rate housing.

## About the Plan

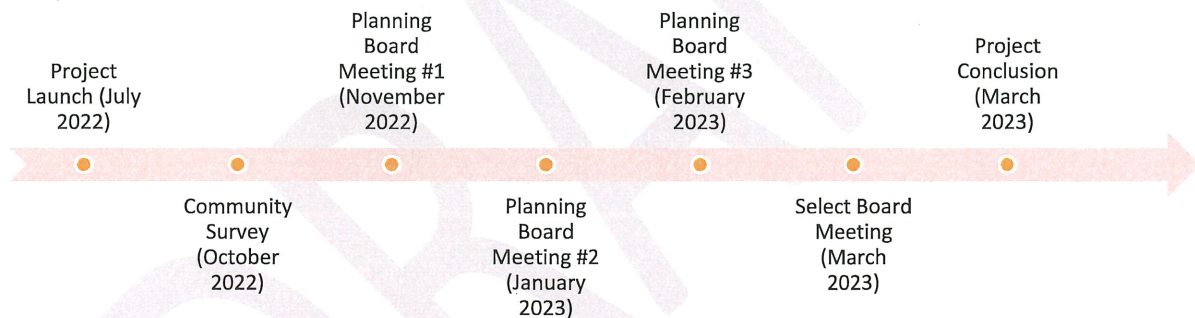
A Housing Production Plan consists of a comprehensive housing needs assessment, a set of affordable housing goals, and accompanying implementation strategies. The comprehensive housing needs assessment is an analysis of the community's demographics and housing stock, the community's future population and housing needs, as well as identification of development constraints (barriers) and limitations that may hinder the development of affordable housing. This analysis, in conjunction with community conversation and guidance, informs the creation of a set of **affordable housing goals**.

Affordable housing goals address the housing needs of the community and provide for a range of housing types, including rental and homeownership for families, individuals, persons with special needs, and seniors.

Lastly, a set of **implementation strategies** describe how the community will achieve its housing production goals, as well as provide a timeframe/schedule for achieving the goals identified.

## Engagement and Timeline

(Figure X: HPP Timeline & Steps)



The project team met with Town staff and the Planning and Select Boards on numerous occasions. In addition to these meetings, the project team conducted a community survey to gauge local preferences and needs. The survey was open for one month and received 150 responses. We would like to thank those who took the time to engage with the project for their invaluable input, which has helped us shape this plan into an authentic and actionable list of goals and strategies for the Town of Lakeville.

## Plan Structure

This Plan is separated into five (5) main sections, titled:

- **Talking About Housing**, which describes the historic inequities within housing development/policy and will lay the foundation for why we plan for housing;
- **Comprehensive Housing Needs Assessment**, which describes the most current market and demographic data in Lakeville;

- **Barriers to Development**, which describes what factors may be hindering development opportunities in Lakeville;
- **Affordable Housing Goals**, which describes the goals Lakeville should actively pursue over the next five years; and
- **Implementation Strategies**, which describes the pathway Lakeville should take to achieve its housing goals, including priorities and timelines.



## Affordable Housing Goals and Strategies

There are **four (4) main housing goals** for the Town of Lakeville, which are to:

- Conduct public outreach to determine local housing needs, preferences, and to educate the community on housing options;
- Create housing options and modify existing units to support older adults who wish to age in place or downsize;
- Implement key zoning amendments to create new affordable housing options and ensure compliance with M.G.L. c. 40A Section 3A; and
- Continue to produce SHI-eligible units to achieve the Commonwealth's required amount and support communities in need.

The **seven (7) accompanying** implementation strategies are to:

- Implement key zoning amendments to ensure compliance with Section 3A and create new housing opportunities for first-time homebuyers, older adults wishing to downsize, and those with moderate or fixed incomes;
- Pursue professional support to assist in conducting community outreach to better determine local needs and housing preferences;
- Pursue partnerships and funding resources to provide direct assistance to help preserve housing for vulnerable communities, including senior residents;
- Pursue partnerships leading to development that is affordable to those with low, moderate, and fixed incomes;
- Consider hiring a part-time housing staff member or consultant to assist in implementing the strategies within the Housing Production Plan;
- Investigate opportunities for adaptive reuse to redevelop underutilized municipally owned land and buildings; and
- Review the availability of town-owned and tax-title properties to work in tandem with adaptive reuse goals.

We will explain these goals and strategies in greater detail later in the report. To begin, we will give some important contextual information, explain key terms, and define any barriers Lakeville may have that could hinder thoughtful and impactful development. This information will set the stage for the goals and strategies outlined above.

# Talking About Housing

## A House is a Home

Housing is one of the most important aspects of an individual's life and livelihood. A residence is more than a physical shelter or consumer choice – it's a home – a place where children grow up, where individuals care for their family, where friends gather, where meals are cooked, where education takes root, where careers begin and are maintained, where pets play, where passions are pursued, and where we store some of our most important possessions. It is also often an individual's primary financial responsibility. The quality, safety, and stability of an individual's home has a significant impact on their life and happiness.

## Persistent Unaffordability

Many families today struggle to find an affordable, safe home with access to nearby necessities, such as quality schools, groceries, hospitals, parks, transportation, and employment. This is due to a phenomenon called **persistent unaffordability**, or the trend towards persistently high costs of living compared to incomes. This lack of affordability has left 37.1 million households (roughly 30% of all households in the nation) **cost burdened** as of 2019.<sup>1</sup> This means these households spend 30% or more of their annual income on housing, a concept we will explore later in the report. Renters are disproportionately cost-burdened compared to homeowners; however, homeowners are more often **severely cost burdened** (spending more than 50% of their annual income on housing alone). More recently, many individuals, largely BIPOC,<sup>2</sup> low-income, and older adults, are also struggling to keep up with rent and home ownership costs due to loss of income during the COVID-19 pandemic.

What's causing the trend towards persistent unaffordability? Many factors contribute to the issue, but – on a local level – the most common are low-density zoning, excessive parking requirements, high demand for certain locations, high land costs, and high costs of development. Additionally, existing barriers to homeownership and growing racial disparities only exacerbate housing inequities and prevent families, especially BIPOC and low-income families, from accumulating wealth, establishing income security, and experiencing economic choice.

## Why Plan for Housing?

Housing insecurity and lack of affordability are structural issues embedded within our social, economic, and political systems. These systemic problems take shape in many ways, but notable manifestations include:

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<sup>1</sup> See Harvard University's [State of the Nation's Housing 2020 Report](#) and Habitat for Humanity's [key takeaways](#)

<sup>2</sup> Black, Indigenous, and People of Color

- Racial disparities in homeownership today that are built upon the legacy of racist practices (such as redlining<sup>3</sup> and racial restrictive covenants<sup>4</sup>). Furthermore, predatory lending practices, lack of access to credit, and barriers to saving for the upfront costs of homeownership only widen the gap;
- Displacement via gentrification and/or high housing demand (particularly in communities within commuting distance to Boston, such as Lakeville) that often push low-income, older adults, and BIPOC families from their neighborhoods, disrupting social and community connections;
- Intergenerational poverty that forces children into unstable environments, for example, having to frequently move and change schools. These experiences often bleed into adulthood, making it difficult to escape poverty as adults.<sup>5</sup>; and
- Policies that hinder unhoused individuals (and especially those with behavioral issues, such as addiction and mental illness) from obtaining temporary or permanent housing. These continue to limit unhoused individuals' access to essential supportive services and perpetuate homelessness.<sup>6</sup>

These inequalities and hardships negatively impact an entire community's well-being and prosperity, not just those experiencing them. Housing-related disparities will only continue to grow as the demand for housing, particularly in the form of home ownership, continues to increase while housing production stagnates.

So, why plan for housing? Because it is only possible to address housing inequity if municipal, state, and national governments alike recognize that removing these structural barriers begins with planning.

In Massachusetts, municipalities are especially well positioned to address these issues in a hands-on manner thanks to their control over local zoning and policy; in other words, cities and towns can make a big difference in their communities with sound, community-led initiatives to house residents in comfortable, affordable, and safe environments. Moreover, Massachusetts has a suite of State-level policies and programs (such as Chapter 40B, Chapter 40R, the Community Compact Cabinet, and the Housing Choice Initiative) that can help contribute to the production of both subsidized housing and market-rate housing that is available at affordable price points. Finally, the

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<sup>3</sup> See the American Planning Association's (APA) [Planning for Equity Policy Guide](#) and Joseph DeAngelis's, AICP article [Grappling with the Racist Legacy of Zoning](#).

<sup>4</sup> See the APA's [Planning for Equity Policy Guide](#) and the [Seattle Civil Rights Labor History Project's article](#) on racial restrictive covenants throughout history.

<sup>5</sup> See the National Center for Children in Poverty's report [Childhood and Intergenerational Poverty](#).

<sup>6</sup> See the National Alliance to End Homelessness' publication [Housing First](#) and the American Psychological Association's [Resolution on Ending Homelessness](#).

Commonwealth is lucky to have numerous public and private entities and agencies (such as the State Department of Housing and Community Development [DHCD] and the Massachusetts Housing Partnership [MHP]) who actively partner with communities to meet housing goals. Taken together, and with proper planning, communities can develop a set of specific and appropriate strategies to address their unique needs and challenges.

## Why Complete a Housing Production Plan?

There are numerous reasons to complete a Housing Production Plan; most importantly, HPPs assist in ensuring housing equity and planning for a future where all community members have safe, healthy, stable, and livable homes to return to. The Stanford Social Review elaborates on some of these reasons, saying, “High-quality, stable housing is central to the health and wellbeing of all families. It helps foster relationships and opportunities in communities, limits chronic stress, and allows families to support positive child development.” Additionally, there are other important State-level benefits, which include:

### Create More Local Control over Chapter 40B Proposals

Having a *certified* Housing Production Plan gives a community more control over Comprehensive Permits under Chapter 40B. A plan may be certified by DHCD if, within a 12-month period, a community permits SHI-eligible affordable housing units equal to at least 0.5% to 1.0% of its year-round housing stock. Certification means that the community’s Housing Production Plan has met its regional need for affordable housing for one year (by meeting at least the 0.5% threshold) or two years (by meeting the 1% threshold). During its certification period, a community’s Zoning Board of Appeals has the right to deny a Comprehensive Permit. All requirements for HPPs are described in state regulations *760 CMR 56.00: Comprehensive permit; low- or moderate-income housing*.<sup>7</sup>

### Support the Commonwealth's Commitment to Housing

The [Housing Choice Initiative](#) (HCI) provides incentives, technical assistance, and targeted legislative reform to encourage municipalities to plan and build diverse housing stock. Importantly, it supports the administration's commitment to produce 135,000 new housing units statewide by 2025. Benefits of participation in the HCI include:

1. The [Housing Choice Community Grant Program](#), which funds infrastructure improvements in those communities that have shown commitment to advancing sustainable housing production.
2. Other Technical Assistance programs offered by regional and state agencies to assist with planning for housing such as the [District Local Technical Assistance \(DLTA\)](#) Program the [Community Compact Cabinet](#).

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<sup>7</sup> Available at <https://www.mass.gov/regulations/760-CMR-5600-comprehensive-permit-low-or-moderate-income-housing>

# Comprehensive Housing Needs Assessment

The Comprehensive Housing Needs Assessment is an analysis of community demographics and market conditions. When conducting this analysis, we ask the questions:

1. Who lives in the community and what are their needs?
2. How diverse is the housing stock and does it match the community's needs?
3. Is it affordable to live within the community for both existing and future residents?

## Data Sources and Definitions

The Needs Assessment pulls from a variety of sources to help tell Lakeville's housing story. Below we've described some of the sources you'll see referenced most often throughout the report.

### American Community Survey (ACS)

The **American Community Survey**, or ACS, gathers data on a sample of the population through monthly surveys the US Census Bureau produces on topics including housing, jobs, education, and more. The Five-Year ACS, used in this HPP, shows data that has been collected and aggregated over a five-year period from 2017 to 2021.<sup>8</sup>

### The Decennial Census

The **Decennial Census** is a count of the entire population conducted and released every 10 years. These data sources have some overlap, but also gather information on separate topics. As of February 2023, much of the 2020 Decennial Census has yet to be released. In lieu of those data points, we have opted to use the 2021 ACS Five-Year estimates where applicable. As a result, there may be small discrepancies between numbers quoted from the 2020 Decennial Census and 2021 ACS estimates, most notably population and housing unit counts. These discrepancies are minor and are not a cause for concern.

### Department of Housing and Urban Development (HUD)

The **Department of Housing and Urban Development** (HUD) maintains data on a variety of topics related to housing nationally. Two of the topics described in this presentation are **Area Median Income** (AMI or HAMFI) and **Cost Burden**.

#### *The Different Types of Median Incomes*

There are two important income figures we will cite frequently throughout this plan. The first is the Area Median Income, which is also called 100% AMI. Area Median Income describes the midpoint of a specific region's set of household incomes. It is used to determine the income eligibility requirements for State and Federal housing programs. These "Income Limits," ranging from roughly 30% to roughly 80% of a town's AMI, are defined by HUD as eligible for subsidized housing. For Lakeville, these income limits (for a family of four) are:

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<sup>8</sup> This is the most recent complete set of ACS data available at the time of this writing.

- 100% AMI: \$111,400;
- 80% AMI: \$89,350. This is approximately 80% of \$117,700 and is the income limit at which a family of four becomes eligible for subsidized affordable housing.
- 50% AMI: \$55,850; and
- 30% AMI: \$33,500.

The **Town Median Household Income**, which is different from AMI and only represents Lakeville (and not its region), is **\$112,240**. This figure comes from the **2021 ACS** (described above) and represents the median income of all households within Lakeville.

We will use these income figures depending on the context. For example, we will cite the town median income when talking about market-rate housing affordability in Lakeville. Conversely, we will use the area median income and corresponding income limits when discussing eligibility for subsidized affordable housing.

### ***Comprehensive Housing Affordability Strategy (CHAS)***

Created by the U.S. Census Bureau and released by HUD, **CHAS** data is a set of custom tabulations of American Community Survey data that describe the extent of housing problems and needs in a municipality. These tabulations include data on how many households fall into each AMI bracket (for example, how many families fall within 50-80% of the area median income given their household size) and how many households are cost-burdened (as well as to what extent).

### ***Cost Burden***

**Cost Burden** describes how much a household pays for housing relative to their income. Individuals and families can be cost-burdened regardless of their income. An individual or household is considered “cost burdened” if they are paying 30% or more of their income on housing costs.

### **The Warren Group**

**The Warren Group** is a real estate entity that provides data and information on real estate trends, property transactions, and mortgages. In this HPP it is used to determine housing market trends.

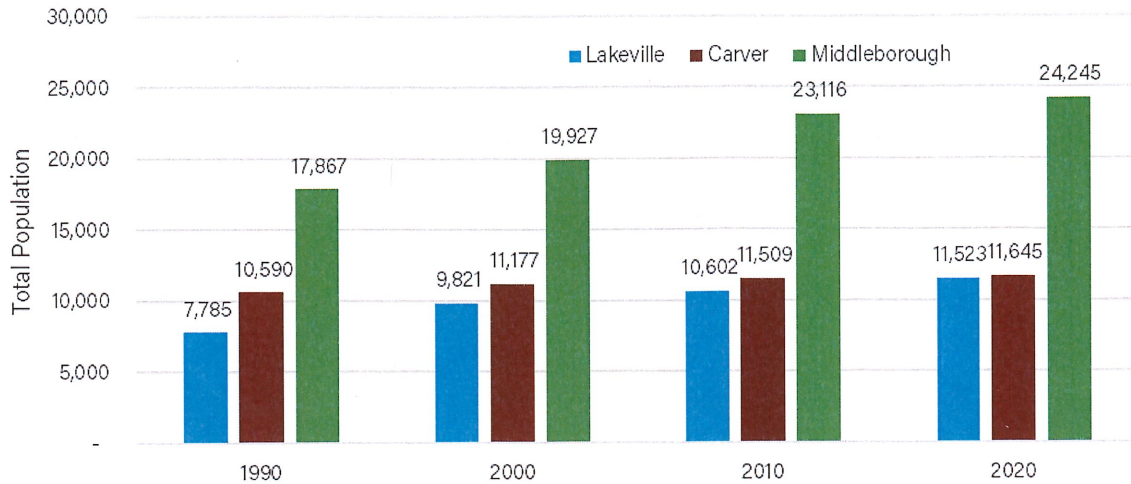
### **ESRI Business Analyst**

Geographic Information Systems (GIS) software provider ESRI offers an online mapping service called **Business Analyst** that allows users to run market analyses on specific geographies. Here, it is used to retrieve population and housing unit projections out to 2027.

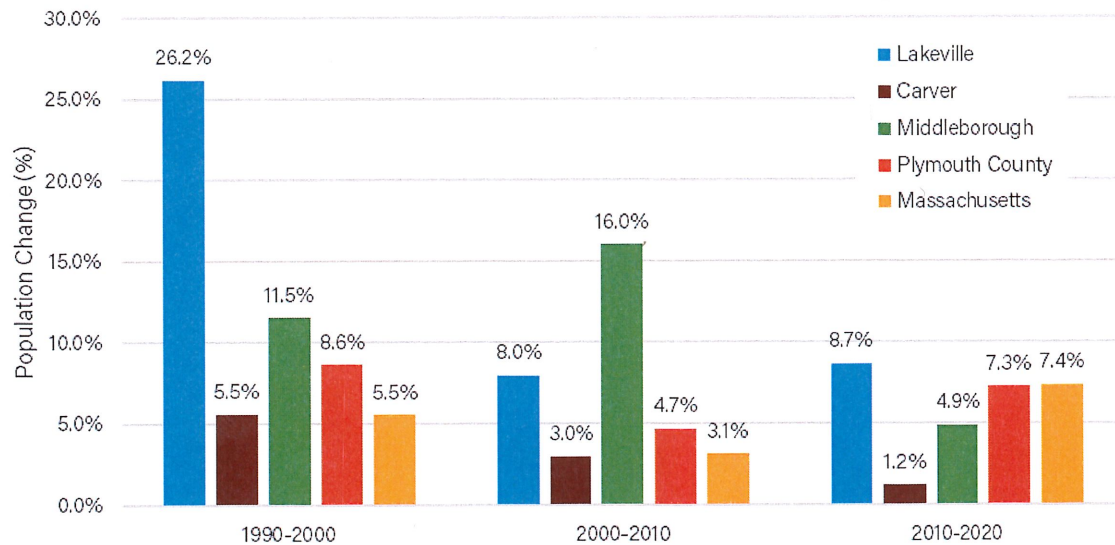
## Population and Demographics

The Town of Lakeville is a rural community home to 11,523 residents as of 2020. While the town grew substantially in the 1990s, reflective of much of Southeastern Massachusetts' "growth spurt," rates have slowed in the last two decades. Between 2010-2020, Lakeville grew at a rate only slightly above County and State levels, about 8.7%.

(Figure X: Total Population, Lakeville and Neighboring Communities)



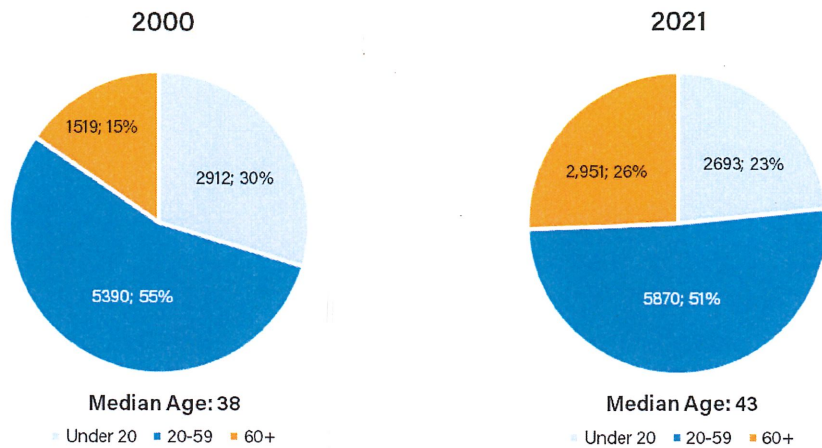
(Figure X: Population Change by Decade)



Like many communities in Southeastern Massachusetts and throughout the nation, Lakeville's population is aging. The median age in town increased from 38 to 43 between 2000 and 2021. The

town's population of residents aged 65 and over increased by 11% in that span of time, from 15% to 26%. As of 2021, 5% of Lakeville's population is over the age of 75.

(Figure X: Changes in Age; Census 2000 and ACS 2020 5yr Estimates, Total Population)

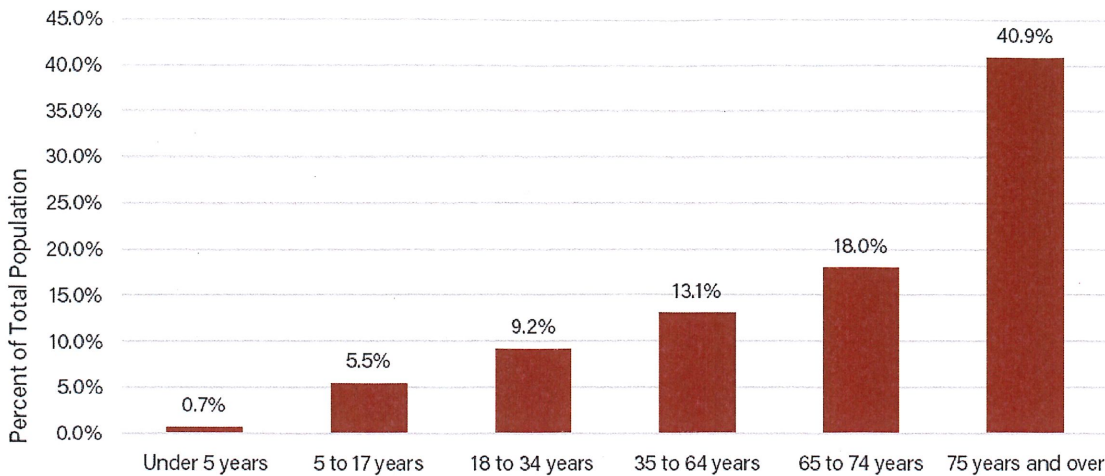


An individual's housing needs are likely to change as they get older, due to changes in their income, mobility, household structure, etc. Given its aging community, the Town may wish to find ways to assist residents who wish to “age in place,” either by finding avenues to provide new senior housing options or offering mechanisms and resources to support retrofitting existing homes so that they are “aging-ready.” As a note, some of the features necessary to make a home “aging-ready,” according to the U.S. Census Bureau's report on the housing needs of older adults, are:

- A step-free entryway
- A bedroom and full bathroom on the first floor
- At least one bathroom accessibility feature
- Additional aging-accessible elements that may be useful include:
  - Sink handles or levers instead of knobs
  - Handrails or grab bars in the bathroom
  - Built-in shower seats
  - Housing features (such as thermostats, countertops, electrical outlets, etc.) that are at wheelchair accessible heights

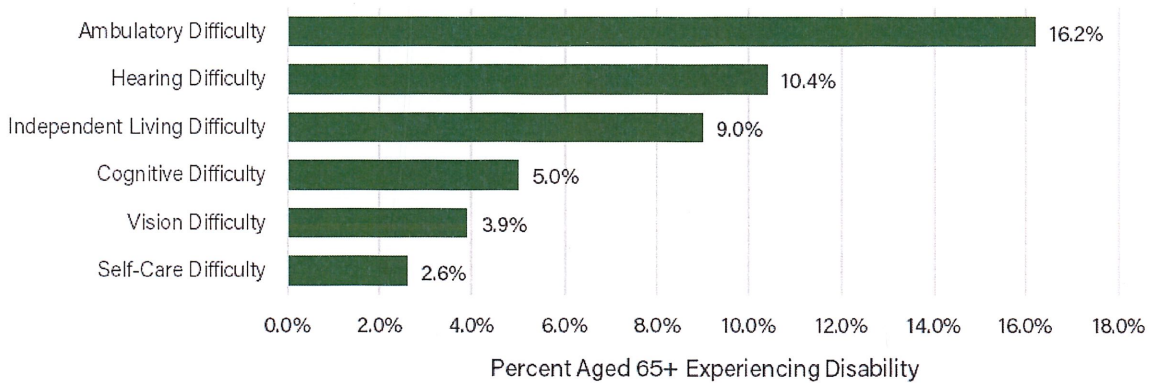
(Figure X: Percent with a Disability by Age Bracket)





As expected, older adults in Lakeville have more disabilities than their younger counterparts, with about 25% of those aged 65 or over having at least one type of disability.

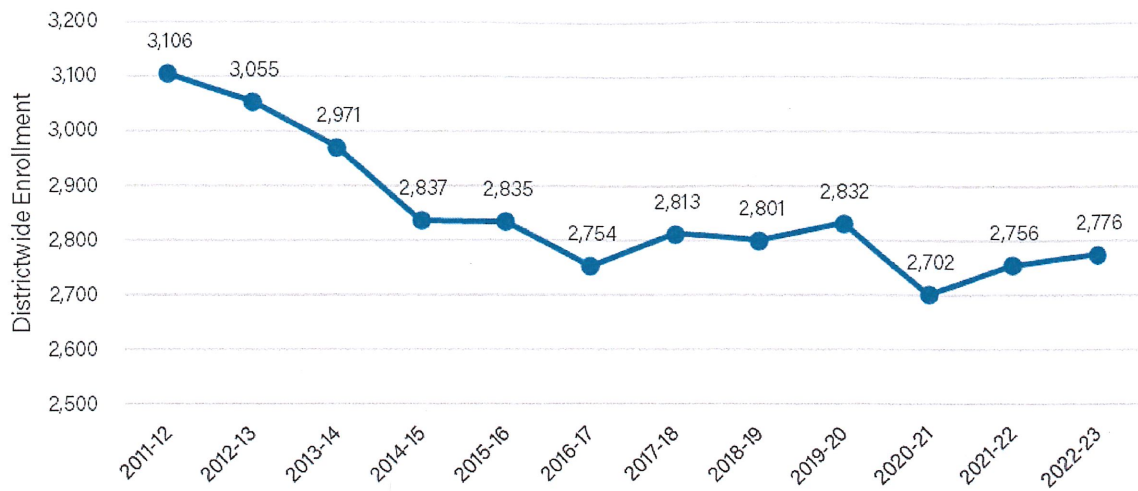
(Figure X: Disability Type for those Aged 65+)



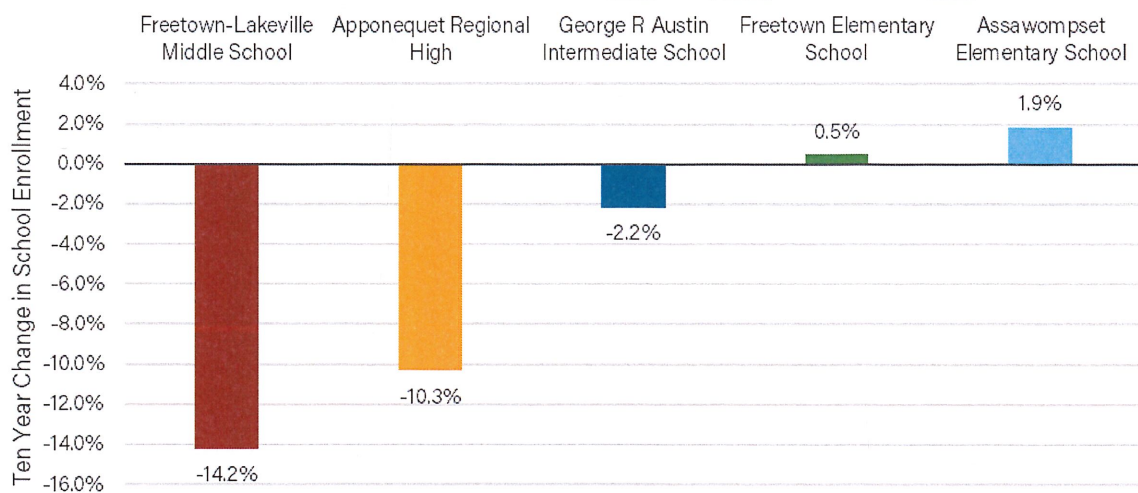
Ambulatory difficulties (having serious difficulty walking or climbing stairs) is the most common disability those over the age of 65 are experiencing in Lakeville (16%), followed by hearing difficulties (10%) and independent living difficulties (having difficulty doing errands alone; 9%). The Town may wish to survey its older residents to determine their current living conditions and any needs for accessibility or housing modifications.

Furthermore, Lakeville's total proportion of those under 20 has declined in the past two decades, down from 30% to 23%. School enrollment has also declined over the past ten years, with a total loss of 330 students over twelve years.

(Figure X: Districtwide Enrollment)



(Figure X: Ten Year Change in Enrollment by School)



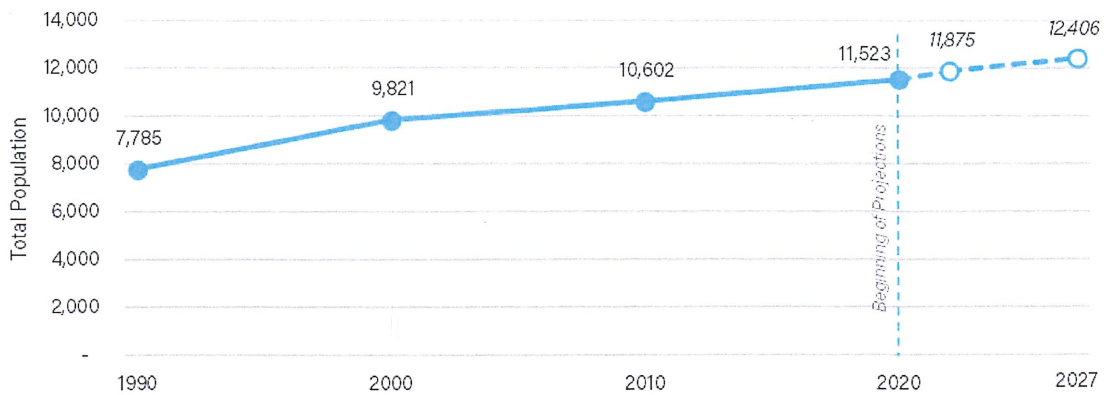
Freetown-Lakeville Middle School and Apponequet Regional High School saw the most notable decreases in enrollment over the past ten years, while Freetown and Assawompset Elementary Schools saw modest increases. This is notable when addressing any concerns regarding the potential impact of additional affordable housing development on the local school system. The Town may wish to explore this decrease in enrollment and its effect on the capacity for new students.

Lakeville's population is predicted to grow over the next five years according to ESRI Business Analyst, which projects population and housing unit changes in five-year increments.<sup>9</sup> By 2027, Lakeville is projected to have a total population of 12,406 residents (4,613 households), an increase

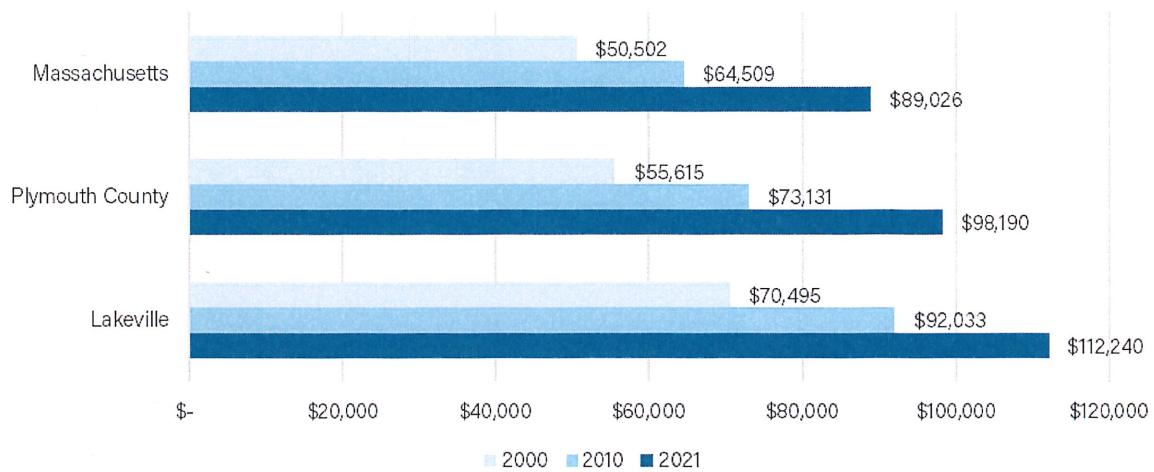
<sup>9</sup> At the time of writing, 2022 ACS Estimates have not been released. ESRI forecasts for 2022 and 2027.

of 883 individuals (373 households). This increase of 7.7% is relatively on par with the growth the Town has experienced over the past two decades.

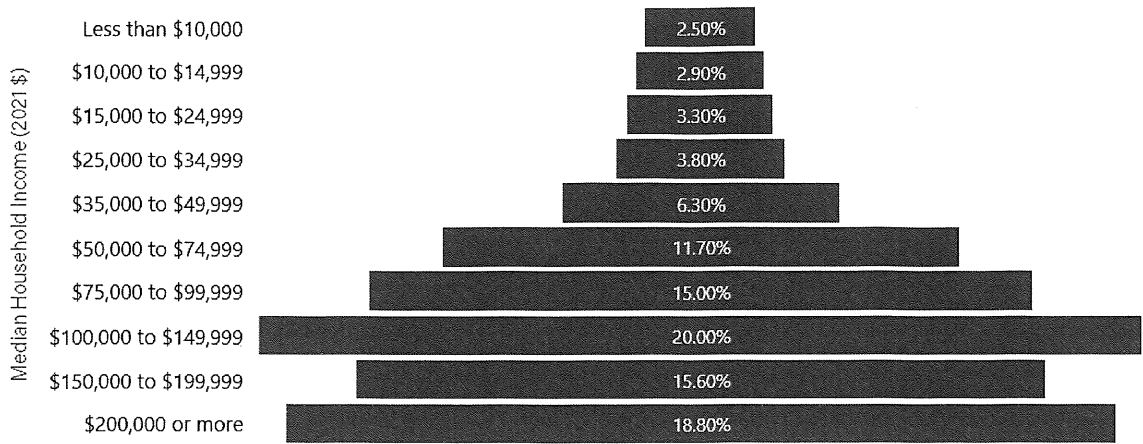
(Figure X: Population Projections; ESRI Business Analyst, 2022)



(Figure X: Change in Median Household Income; ACS 5yr Estimates, 2010, 2015, and 2021; Total Households)



(Figure X: Income Breakdown)



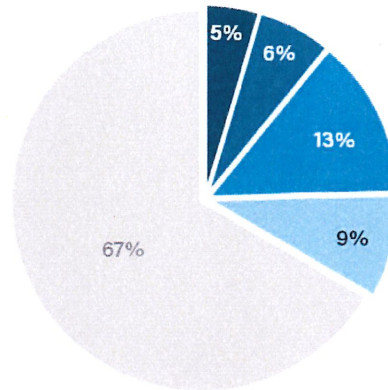
Lakeville is an affluent community, with a median household income of \$112,240, higher than both the State and County. This figure is projected to increase 24% to \$138,732 by 2027. Despite these high incomes, 14% of households in Lakeville make under \$50,000 annually. Furthermore, one third (33%) of owners and two thirds (65%) of renters qualify for some form of subsidized or deed-restricted affordable housing programs. This means that, given the number of individuals in each household, their total household income falls at or below 100% of the area median income (\$111,400 for a household of 4, and so forth). Given the presence of lower-to-moderate income households in town, Lakeville should continue to examine varying state and local housing programs aimed at creating new affordable housing options and maintaining existing units.

(Figure X: Owner HAMFI Breakdown and Renter HAMFI Breakdown; HUD CHAS, 2015-2019)

Households eligible for varying forms of subsidized affordable housing.

- Household Income  $\leq$  30% HAMFI
- Household Income  $>30\%$  to  $\leq 50\%$  HAMFI
- Household Income  $>50\%$  to  $\leq 80\%$  HAMFI
- Household Income  $>80\%$  to  $\leq 100\%$  HAMFI
- Household Income  $>100\%$  HAMFI

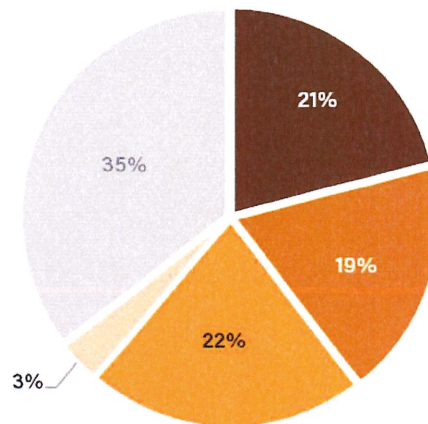
### Owners



Households eligible for varying forms of subsidized affordable housing.

- Household Income  $\leq 30\%$  HAMFI
- Household Income  $>30\%$  to  $\leq 50\%$  HAMFI
- Household Income  $>50\%$  to  $\leq 80\%$  HAMFI
- Household Income  $>80\%$  to  $\leq 100\%$  HAMFI
- Household Income  $>100\%$  HAMFI

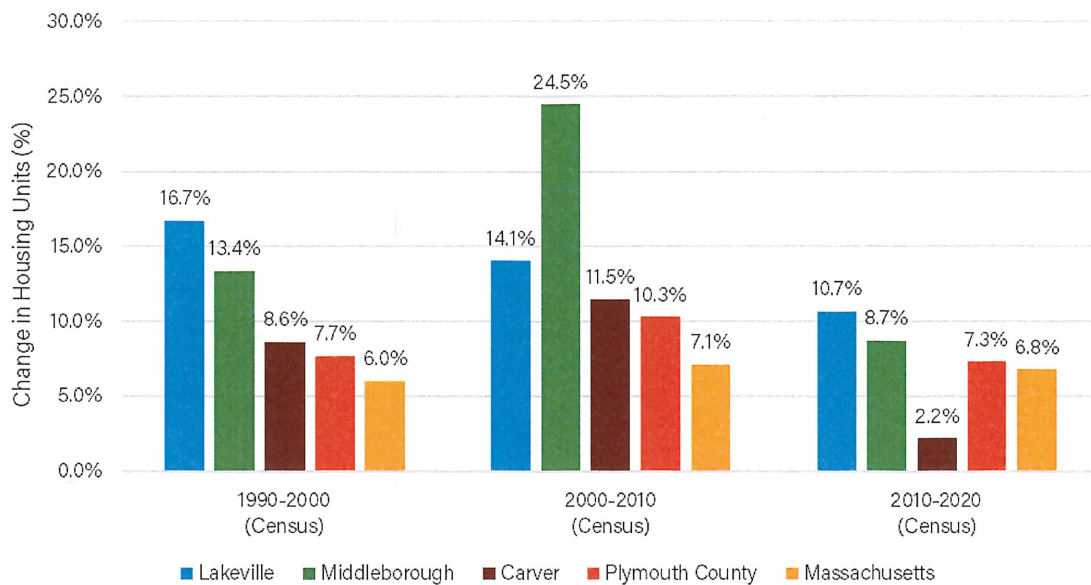
### Renters



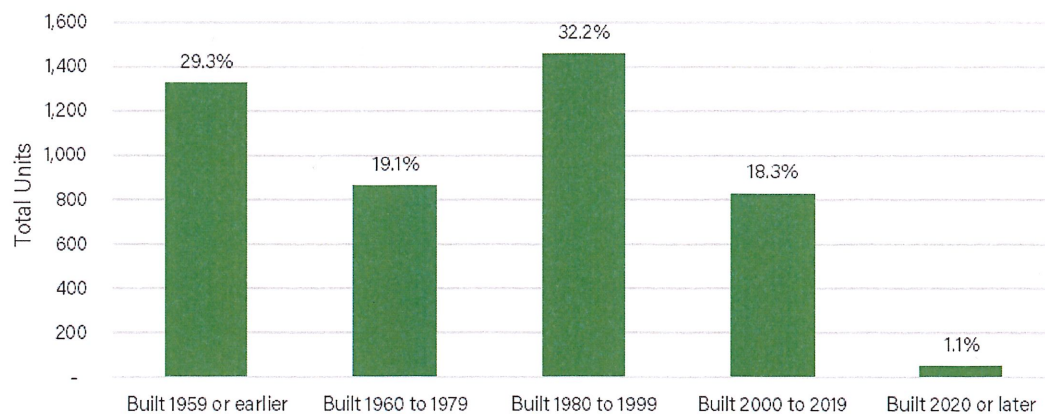
## Housing Stock Characteristics

Lakeville is home to 4,624 housing units as of 2020, an increase of 8.7% since 2010. Lakeville’s rate of housing production per decade has declined (as it has in most neighboring communities); however, the town’s 2020 rate remains higher than both Plymouth County and the State.

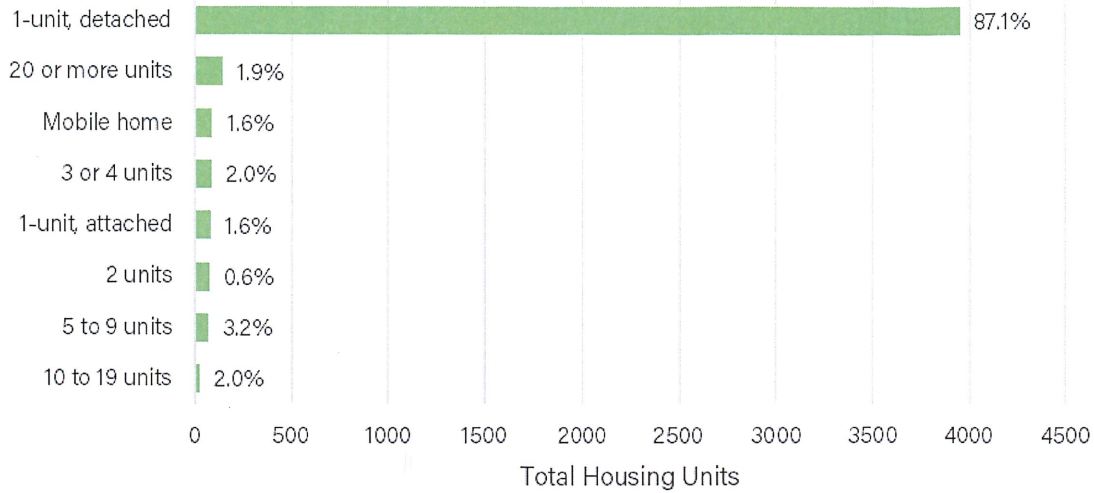
(Figure X: Change in Housing Units, Lakeville and Neighboring Communities)



(Figure X: Housing Age; Occupied Housing Units, ACS 5yr Estimates 2020)



(Figure X: Units in Structure; All Housing Units; 2021)

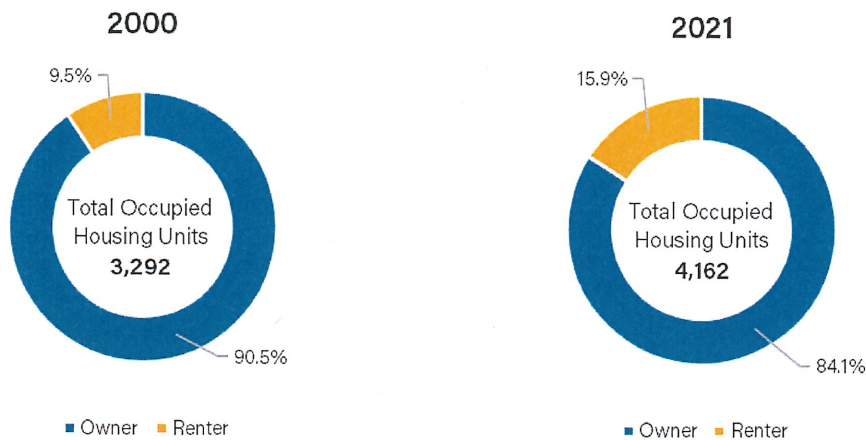


Lakeville has a relatively older housing stock, consisting of majority single-family homes. Just under 30% of the existing housing stock having been built in 1959 or earlier. Older homes can require more upkeep than newer homes, and likely require some form of accessibility modifications to allow comfortable aging in place. According to the Joint Center for Housing Studies of Harvard University, 44% of the 25 million households aged 65 and over “require some need for home accessibility features due to disability or difficulty using components of their home.”<sup>10</sup>

As described earlier, Lakeville’s population is aging and an estimated 16% of those aged 65 or over have an ambulatory difficulty. It will be important for the Town to examine the needs of older adults living in Lakeville to determine if they are choosing to age in place, if they feel their home needs accessibility modifications or other safety-related renovations, and if they feel they can afford the necessary modifications. At that point, the Town can outline the most appropriate avenue forward, which can include providing direct funding resources or connecting residents to existing organizations who can offer assistance.

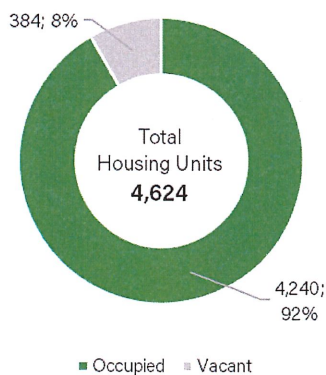
(Figure X: Occupancy Status)

<sup>10</sup> See the Joint Center for Housing Studies of Harvard University’s article *Aging Society and Inaccessible Housing Stock Suggest Growing Need for Remodeling* <https://www.jchs.harvard.edu/blog/aging-society-and-inaccessible-housing-stock-suggest-growing-need-for-remodeling>



While the tactics outlined above will be straightforward for homeowners, renters in Lakeville (16% of residents) may not have as much agency over their living situations. Lakeville should examine its existing rental housing stock to identify its age, condition, and any potential accessibility concerns. Furthermore, the Town should determine who is living in rental housing (i.e., age, family status, income) to better understand the renter population’s needs, particularly if they are older adults. As with homeowners, the Town can then use this information to identify the necessary actions to allow their renters to safely live and age in place in Lakeville. Should the Town deem it appropriate, they can pursue encouraging new, age-appropriate housing development, creating adult retirement community zoning, or finding mechanisms to provide low-interest loans to landlords for accessibility and safety modifications within rental units.

(Figure X: Vacancies)



Eight percent of Lakeville’s existing housing stock is currently vacant. The Town’s homeowner vacancy rate is reported to be 0.8, while the rental vacancy rate is 0. This may or may not reflect the current on-the-ground conditions in town, as vacancy rates can shift for many reasons during the period between ACS data gathering periods. Nonetheless, a low vacancy rate for rentals typically



indicates demand for future rental housing development in a given location and suggests the need for providing additional rental housing units.

In summary, Lakeville has an older, largely single-family housing stock consisting primarily of homeowners. Despite this, Lakeville's renter population is growing and there appears to be a demand for more rental housing. Major priorities for the Town will include determining the current living conditions of older homeowners and their capability to safely age in place, as well as determining the demographics of the renter population, the demand for rental housing, and any potential interventions Lakeville may wish to pursue to create additional rental opportunities.

DRAFT

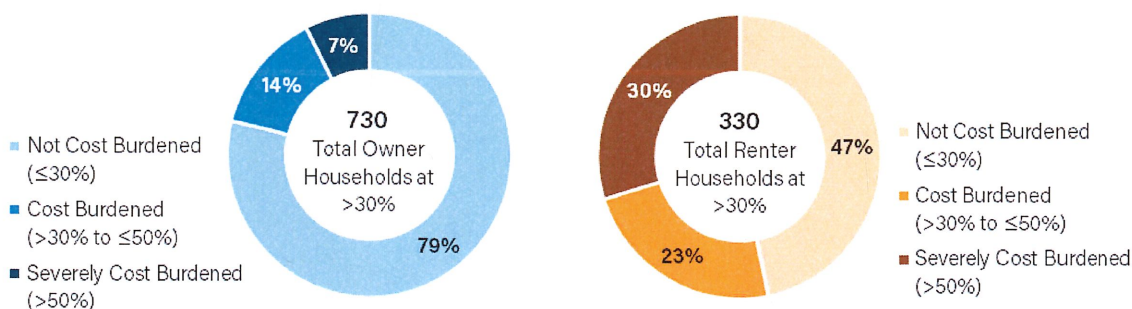
## Market Conditions and Affordability

We will discuss two types of “affordable” housing through this plan. The first is “naturally occurring” affordable housing and the second is subsidized affordable housing. We’ve opted to separate these types of housing due to the nature of their creation and targeted demographics. We do so to address a variety of housing options suitable for different individuals with different income levels and family structures.

### "Naturally Occurring" Affordable Housing

"Naturally occurring" affordable housing is available without subsidies and at lower price points when the right regulatory and market conditions exist for its development. In this case, the word "affordable" doesn't mean "subsidized." Instead, it builds on the idea of not being cost-burdened, as described in the “Data Sources and Definitions” section. When we are discussing naturally occurring affordable housing, we are talking about homes that are affordable enough that they will not cause a young family, older couple, or household with limited/fixed income to become cost burdened. These types of housing options include, but are not limited to, starter homes, homes for downsizing, and apartments for recent graduates.

(Figure X: Cost Burden; HUD CHAS, 2015-2019)



In Lakeville, 620 households are cost-burdened (paying  $>30\%$  but  $<50\%$  of their income on housing) and 440 households are severely cost-burdened (paying more than  $50\%$  of their income on housing).

### *An Example of Cost Burden*

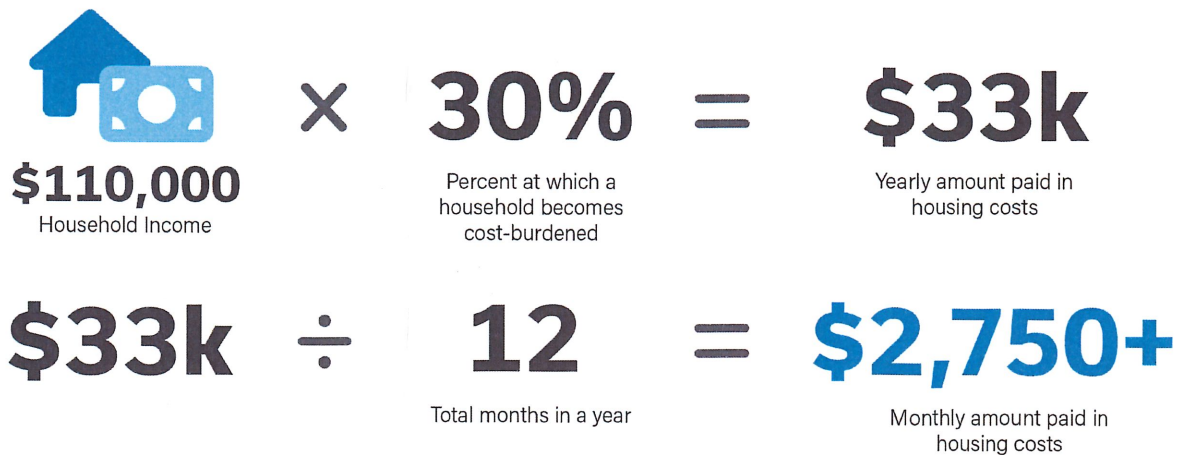
Let's dive a little deeper into the concept of cost burden with a rough example. In 2020, the median household income in Lakeville was \$112,240. We will round down to \$110,000 for simplicity.

If you are a household of 4 making \$110,000, 30% of your annual income would be \$33,000. Now, imagine all that money is going towards a mortgage payment or rent. What would that payment look

like? Split \$33,000 across 12 months and you get roughly \$2,750. That means any household with an annual household income of \$110,000 would be considered cost-burdened if they were paying \$2,750 or more per month in basic living costs (mortgage payments or rent plus utilities).

Want to try this exercise for yourself? Take the sum of everyone in your household's gross annual income, multiply it by 0.3 (30% minimum to be considered cost-burdened), and divide the result by 12 (12 monthly payments). What did you get? Are you paying more or less than that per month in basic living costs?

Ex., ( $\$100,000$  annual HH income \* 0.3) / 12 = \$2,500/per month or more

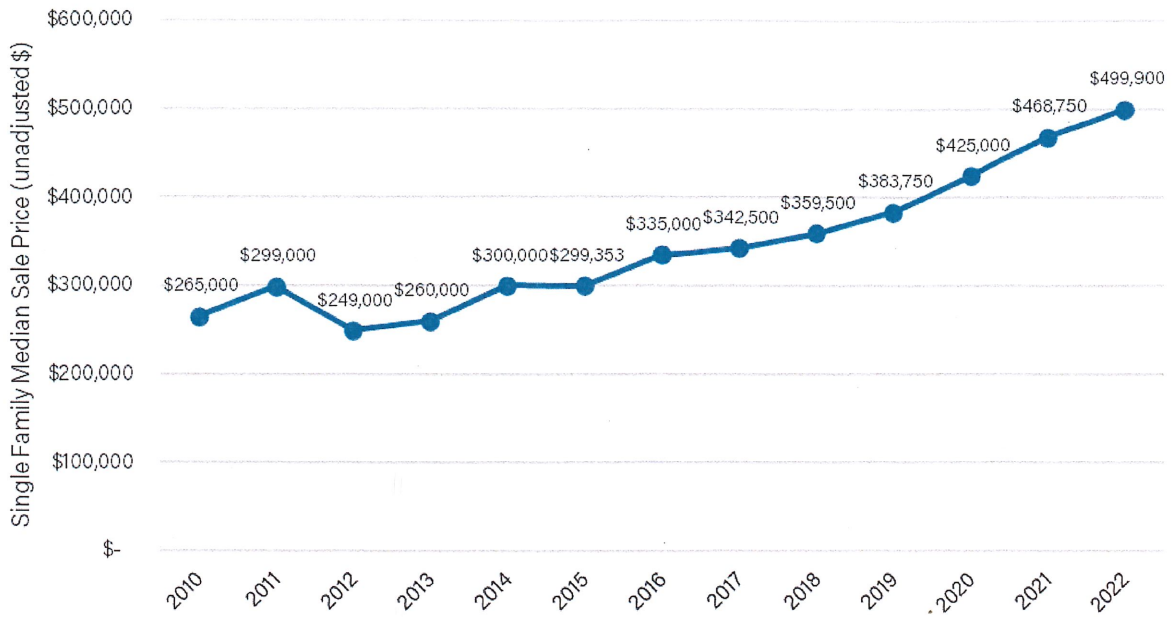


A household making **\$110,000 annually** will be considered "cost-burdened" if they are paying **\$2,750+ per month** on housing costs (mortgage/rent and utilities).

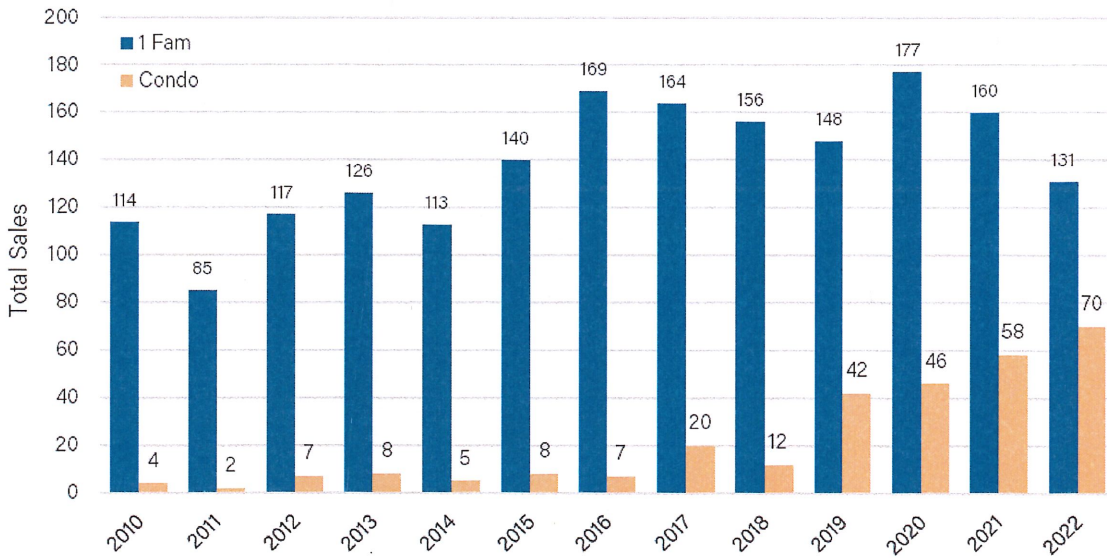
### Current Market Conditions in Lakeville

A total of 233 home sales occurred in Lakeville in 2022, about half of which were single-family homes (56%). The median sale price for a single-family home was \$499,900, up roughly 7% from the prior year. While prices are increasing, the overall volume of home sales has decreased in recent years from a recent peak in 2020.

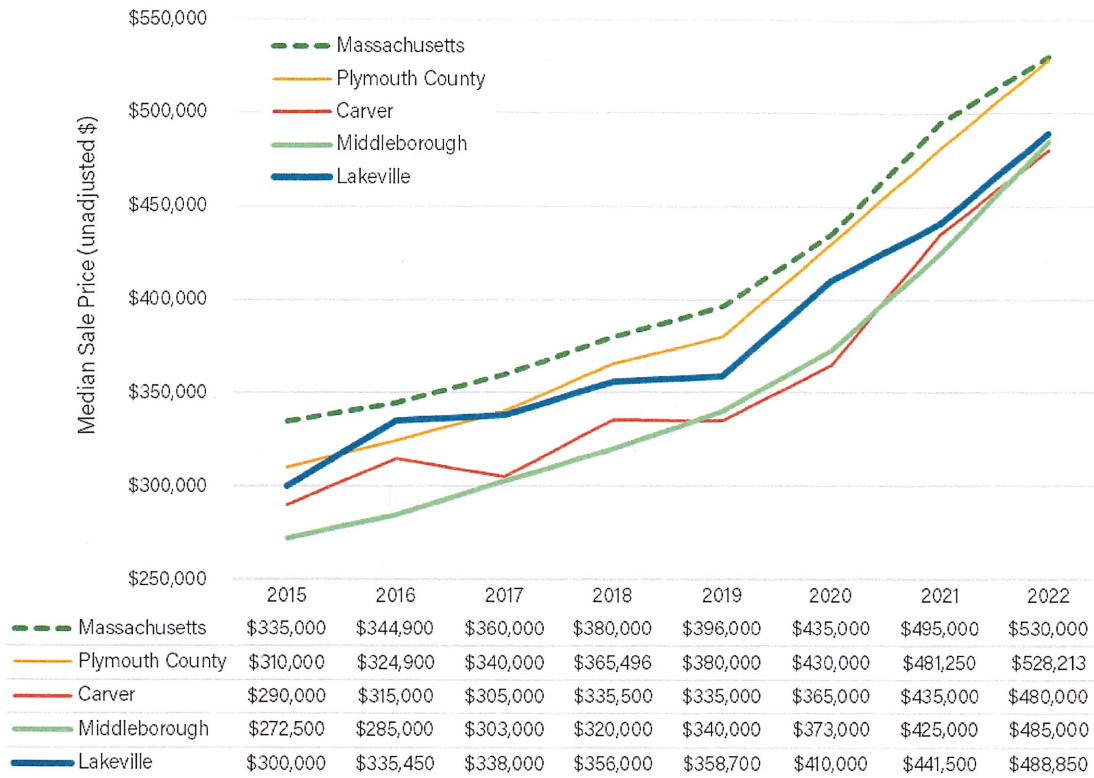
(Figure X: Home Sale Price Trends; The Warren Group, 2023)



(Figure X: Home Sale Volume; The Warren Group, 2023)



(Figure X: Regional Sale Prices; The Warren Group, 2023)



Despite increasing costs, Lakeville’s housing prices remain lower than both Plymouth County and the state. Even so, the home sale prices observed in town remain lower than what many survey respondents quoted as being a reasonable price for a starter home in town, which was most often cited as \$300,000 or \$350,000.

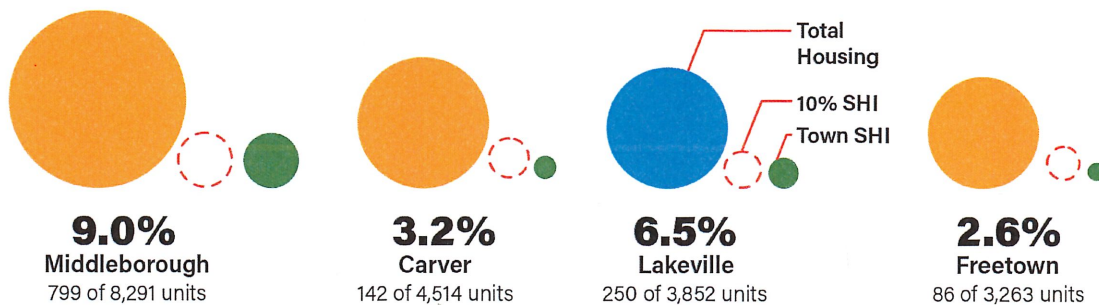
## Subsidized Affordable Housing

The term “subsidized affordable housing” refers to housing that is subsidized by a public agency, non-profit, or limited dividend company. Subsidized affordable housing units have deed restrictions, meaning their availability remains restricted to certain populations (e.g., 55+ housing) and/or to incomes at or below 80% of the area median income (AMI) This means that any household of four in Lakeville making \$89,350 or less is qualified to apply for subsidized affordable housing. Per M.G.L. c. 40B, the Commonwealth of Massachusetts requires at least 10% of a city or town's housing stock to be subsidized affordable housing.

As of 2021, Lakeville’s Subsidized Housing Inventory consisted of 250 units of 3,852 total year-round housing units, or 6.49% of the housing stock. To reach 10%, Lakeville will need to produce an additional 108 housing units.

Additionally, Lakeville should plan for an increase in the total number of year-round housing units as the forthcoming 2020 Decennial Census is processed.<sup>11</sup> Should this number increase from 3,852 units, as reported on the 2010 Decennial Census, so will the required number of affordable units to reach 10%.

(Figure X: Lakeville and Neighboring Communities’ SHI; DHCD, 2021)



### *What qualifies on the Subsidized Housing Inventory?*

For a unit to officially contribute to a community’s Subsidized Housing Inventory count, several criteria must be met:

- It must be part of a “subsidized” development subject to a regulatory agreement where a Subsidizing Agency and monitoring agent have been identified.

<sup>11</sup> The 2020 Census Redistricting Data (Public Law 94-171) Summary File that has been released by the U.S. Census Bureau does not include data on vacant “seasonal, occasional, or recreational use” units used by DHCD to determine Census “year-round housing units” for the SHI. The SHI will therefore continue to reflect the 2010 Census Year-Round Housing unit figures until such data is released. The Census Bureau has provided a release schedule for future data sets that will include this data in May of 2023.

- For units not produced under the Local Initiative Program, at least 25% of the units in the development must be income-restricted to households with incomes at or below 80% of the area median income, corresponding to their household size, and have rents or sale prices restricted to affordable levels.
  - Restrictions must run at least 15 years for rehabilitation, 30 years for new rental construction, and in perpetuity for new homeownership construction.
- Resident selection for the Affordable Units must comply with the requirements of a lottery or other fair and equitable procedure, including an Affirmative Fair Housing Marketing and Resident Selection Plan, approved by the Subsidizing Agency and without regard to the amount of their assets.

(Table X: AMI Breakdown, FY2022)

Persons in Family	Extremely Low (30%) Income Limits	Very Low (50%) Income Limits	Low (80%) Income Limits
1	\$23,450	\$39,100	\$62,550
2	\$26,800	\$44,700	\$71,500
3	\$30,150	\$50,300	\$80,450
4	\$33,500	\$55,850	\$89,350
5	\$36,200	\$60,350	\$96,500
6	\$38,900	\$64,800	\$103,650
7	\$41,910	\$69,300	\$110,800
8	\$46,630	\$73,750	\$117,950

Area Median Family Income: \$111,400 (4 Persons in Family)

## Barriers to Development

In every community, there exist challenging market conditions, laws and policies, land characteristics, historic development patterns, and other factors that can contribute to limited development opportunities or a lack of affordable housing options. It is important to inventory and consider these challenges so that planning officials and municipal staff can craft a set of goals and strategies that are tailored to the community's needs. In Lakeville, there are a few of these "barriers to development" to consider:

### Environmental Constraints

Communities with important natural resources, protected conservation lands, and large recreational open spaces may be limited in terms of their ability to locate appropriate sites for affordable housing development that will have limited impact on the environment around it. Carefully planned zoning changes and redevelopment initiatives in areas deemed appropriate can help alleviate this issue and create affordable housing developments that have minimal impact on these important natural features.

Lakeville's namesake, the Assawompset Pond Complex, along with the Town's many other important areas of conservation land, habitats, and recreational sites, pose notable limitations when siting new housing. As cited in the 2020 Master Plan, the creation of new housing will need to be balanced with thoughtful zoning changes to ensure harmony between land conservation efforts and smart growth initiatives.

### Restrictive Zoning Regulations

Zoning regulations, intentionally or unintentionally, are one of the most common limiting factors when it comes to the production of affordable housing. Zoning that prohibits higher density uses, favors medium (1-1.5 acre) minimum lot sizes, is unclear to developers, and maintains high parking requirements can prohibit the production of moderately priced homes. This often leads to unsustainable and unaffordable development outcomes.

(Figure X: Zoning and Overlays – *To be inserted upon review with the Town Planner*)

Lakeville's zoning contains 4 distinct districts (Residential, Industrial, Industrial-B, and Business) along with 3 overlay districts (Mixed Use Development, Planned Special Purpose Overlay, and 40R Smart Growth Overlay). The following section will outline the permitted residential uses for each zone in Lakeville:

### Residential

Of these districts, the Residential Zoning District comprises over 86% of Lakeville's buildable land and is the largest zoning district in town. This district requires a minimum lot size of 1.6 acres (70,000 sqft).



#### **40R Smart Growth Overlay District**

The Town's 40R Smart Growth Overlay District, located at the Lakeville/Middleborough border and near both the current and future MBTA Commuter Rail stations comprises roughly 33 acres across two sub-districts: The Residences at Lakeville Station Sub-District and The Nemasket River Sub-District, both of which allow single-family at 8 units per acre; two/three-family at 12 units per acre; and multi-family construction at 20 units (for Lakeville Station) and 25 units (for Nemasket), respectively. Minimum lot sizes in both sub-districts are substantially smaller than the requirements for the Residential district at 5,000 sqft for a single family; 7,000 sqft for a two/three-family; and 40,000 sqft for a multi-family or mixed-use multi-family building.

#### **Mixed Use Development District**

The Mixed Use Development District comprises roughly 73 acres on the site of the former Lakeville State Hospital. This district allows for the inclusion of age-qualified housing, which requires at least one occupant to be fifty-five years of age to live in an age-qualified unit. Building heights in this district can be up to 45 feet.

#### **Business District**

Lastly, the Business District allows facilities for residential care, senior homes, and nursing homes.

Lakeville's zoning presents several opportunities to expand the variety and amount of housing in Town. The Residential zoning district represents the most significant opportunity, due to its size and restrictiveness, which limits the number of units that can be built on an acre of land, ultimately leading to a smaller housing inventory, less housing diversity, and higher prices. This happens, typically, by embedding more land and infrastructure costs into the price of development while allowing for fewer units per acre of land. These increased expenses lead to the construction of larger houses (that are necessary to ensure that the internal finances of the development project are profitable). These costs can severely limit the diversity of housing types and hinder the ability of the market to produce homes that cater to different family sizes, price points, ages, and lifestyles in Lakeville.

#### **Lack of Public Utilities**

The absence of public sewer and water can limit the types of development options available and add costs to development (e.g., wells and septic systems). Lakeville currently has no sewer service, except for within the Town's 40R District, which receives sewer service from neighboring Middleborough. There is also minimal water service outside of major routes within town, of which are serviced by Middleborough and Taunton. This lack of infrastructure limits opportunities for compact development, as the need for septic systems increase both the cost and space required for new development, limiting options to downsize or purchase an affordable market-rate home.

#### **Negative Community Perceptions**

Whether we are conscious of it or not, the phrase "affordable housing" summons up misguided images of potential neglect, loss of property value, and increased crime. Residents and elected/appointed officials often cite associated costs (e.g., more students in schools) as another

reason more housing shouldn't come to the community. However, it is required by state and federal law that communities provide fair housing opportunities for residents, regardless of their social, economic, cultural, or family make-up. Young professionals, families, and older adults who are not in the position to afford high homeownership costs, but wish to remain in their community, as well as BIPOC and low- to moderate income households, have the right to fair housing opportunities throughout Massachusetts. Educational campaigns and maintaining an active conversation with community members may help to dispel these myths and create authentic, enthusiastic local support for new housing initiatives.

### **Lack of Staff Capacity and Experience**

Often, municipal staff have multiple day-to-day responsibilities and limited time to gain or deploy the specialized housing expertise necessary to accomplish their goals. This can hinder implementation efforts and lead to plans, such as HPPs, "sitting on the shelf." Lakeville currently does not have an existing staff member or committee whose day-to-day responsibility is focused primarily on housing. While the members of the Lakeville Planning and Select Boards, Town Planner, Town Administrator, Appeals Clerk, and other staff dedicate invaluable time to provide significant and continued effort towards advancing the Town's housing goals, much of this occurs after work hours and competes with other work and personal obligations.

By providing additional staff and resources, Lakeville can continue to leverage the Town's ongoing efforts towards producing affordable and subsidized housing, while continuing to develop new initiatives.

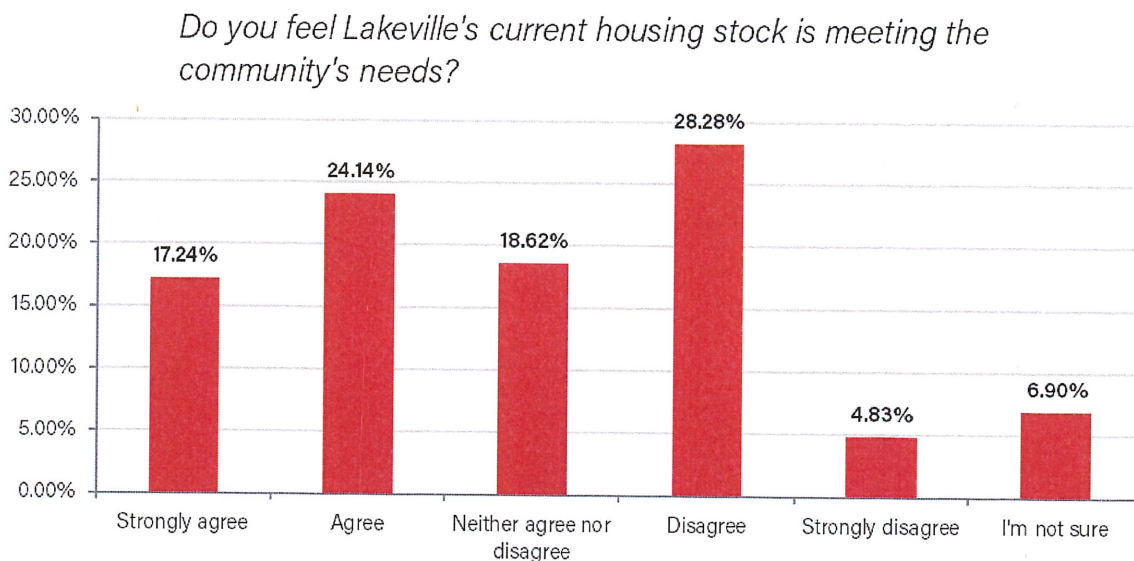
## Affordable Housing Goals

There are four (4) main goals identified in this Housing Production Plan. These goals describe the vision for housing in Lakeville and build from the discussion in the Needs Assessment, as well as feedback gathered through public outreach for this HPP. The four goals are as follows:

### Goal A: Conduct public outreach to determine local housing needs, preferences, and to educate the community on housing options.

Lakeville residents have mixed perceptions on housing in town, particularly regarding whether the community's housing stock is meeting current residents' needs. The Town should expand upon the groundwork laid within this HPP to explore current residents' housing needs and concerns, especially those related to aging in place and affordability. Furthermore, many residents have negative preconceptions about housing development. This lack of buy-in can make it difficult to pass future zoning changes and initiate new housing efforts. Encouraging further community outreach and conversations around housing will allow the Town to better navigate the process of implementing items described within this Plan.

(Figure X: Survey Responses to "Do you feel Lakeville's current housing stock is meeting the community's needs?")

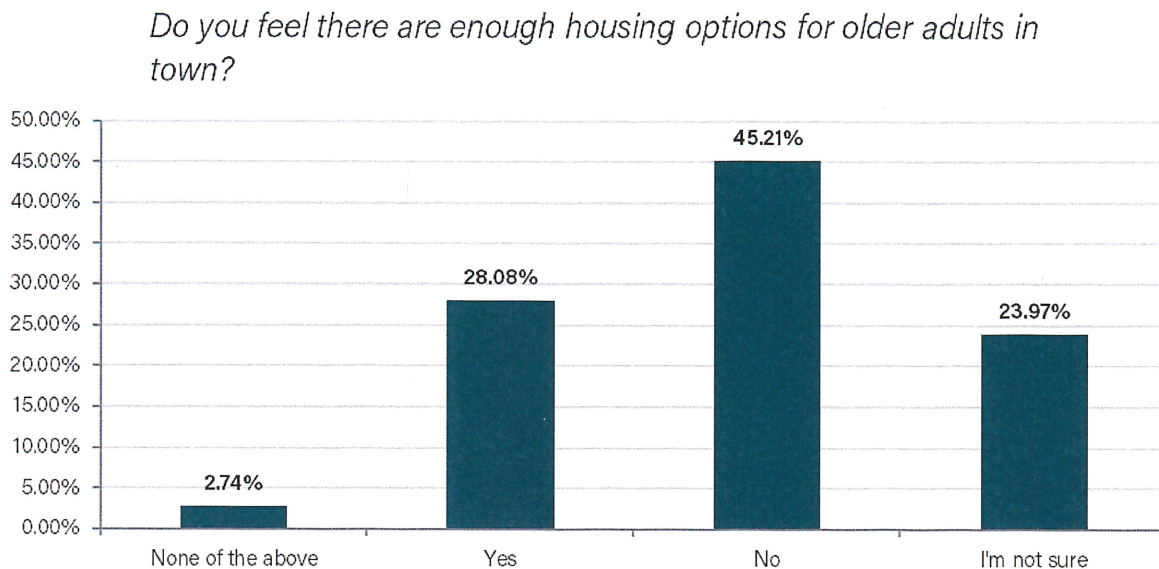


### Goal B: Create housing options and modify existing units to support older adults who wish to age in place or downsize.

An individual's or family's housing and support needs will vary depending on circumstances and stage of one's life. Folks with chronic illnesses, those with disabilities, and older adults tend to have

different needs than young couples or those with children. Lakeville’s housing should be able to support those needs wherever possible. Producing housing options and providing for modifications to existing housing for those with differing needs can help prevent displacement due to an inability to receive the care needed or live comfortably in one’s home.

(Figure X: Survey Responses to “Do you feel there are enough housing options for older adults in town?”)



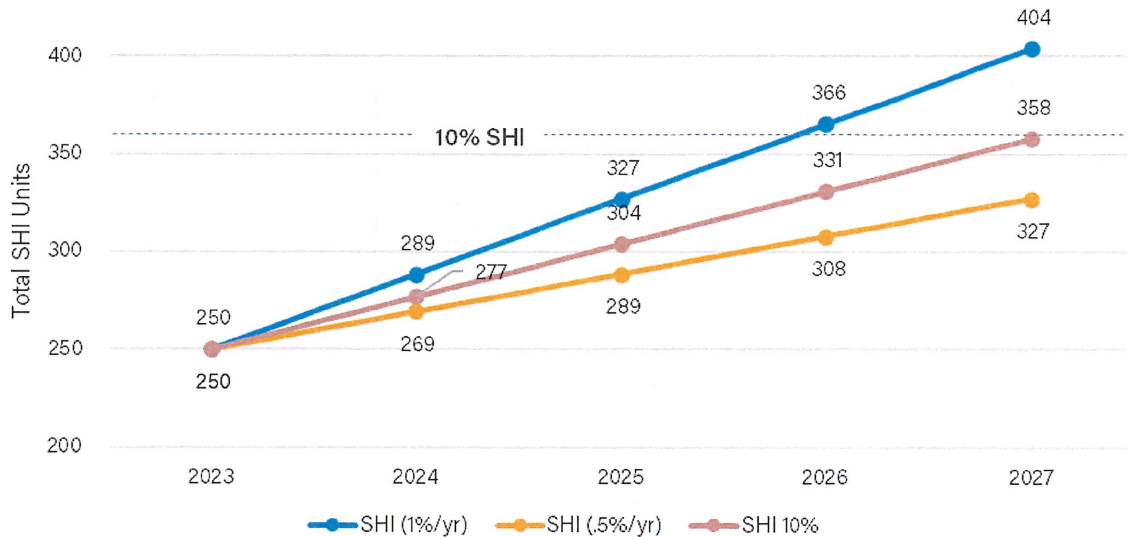
### **Goal C: Implement key zoning amendments to create new affordable housing options and ensure compliance with M.G.L. c. 40A Section 3A.**

One of the main avenues Lakeville may pursue to create new housing options will be through strategic zoning amendments. The Town should continue to build off staff’s ongoing efforts to draft and implement key zoning changes, such as the development of an Open Space Residential Design Bylaw and other bylaws encouraging thoughtfully placed density. These zoning changes can be coordinated with the pursuit of compliance under Massachusetts’ new Section 3A of the Zoning Act (Ch. 40A), which requires an MBTA community have a multi-family district (of no size requirement for Lakeville’s classification) that allows multi-family housing by-right at a gross density of 15 units per acre.

## Goal D: Continue to produce SHI-eligible units to achieve the Commonwealth's required amount and support communities in need.

As described previously, Lakeville’s current SHI is 6.49%, or 250 of the Town’s required 358 units (to reach 10%). There are a variety of ways Lakeville can pursue the creation of new SHI-eligible units, including guiding appropriate Comprehensive Permits and producing housing under the Local Initiative Program. For this Housing Production Plan to be certified, Lakeville will need to permit at least 0.5% of their total year-round housing units (19 units) for one year of certification, or 1% (39 units) for two years of certification within a given 12-month period.

(Figure X: Hypothetical production scenarios for SHI units in Lakeville)



## Implementation Strategies

There are seven (7) housing strategies that complement Lakeville’s housing goals. These strategies provide a road map to accomplishing the Town’s housing goals and outline both how much attention they will require and the timeline within which they should be completed. It is important to note that HPPs often include numerous strategies that, when applied together, will contribute to improved housing production and outcomes. There are very rarely one or two “silver bullets” that achieve a community’s goals.

### How to Read the Implementation Strategies

Each Implementation Strategy has a set of associated goals, timeframe, and level of impact. Some strategies will also list local success stories, additional reading items that may provide more information, and resources for staff to consume.

#### Implementation Timeframes

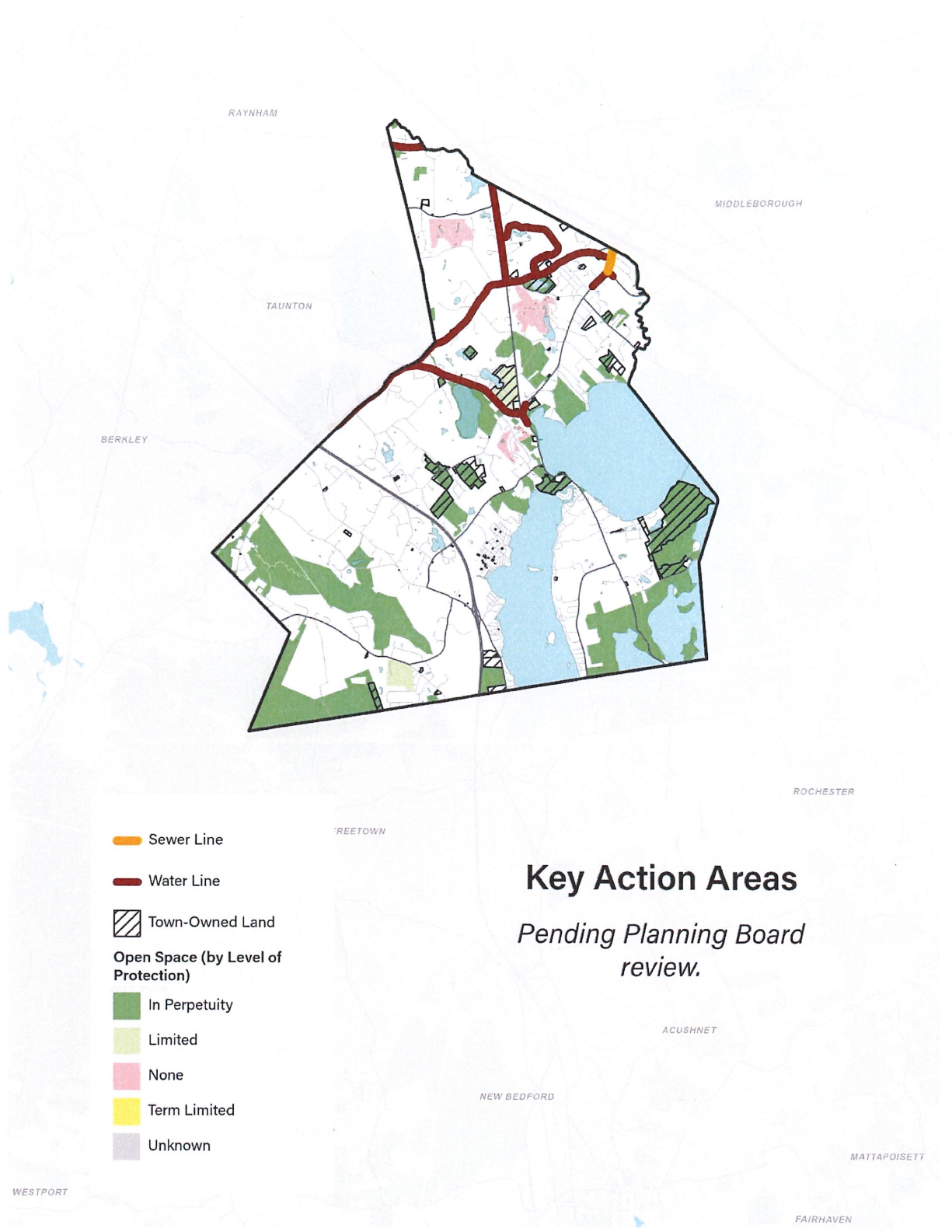
Each strategy has a listed timeframe within which it should be pursued and subsequently implemented. The timeframes are approximate and based on the level of effort and procedural steps required for each strategy. Those timeframes are:

- Short: Less than 2 years to explore and implement;
- Medium: Between 2 and 5 years to explore and implement; and
- Long: Greater than 5 years to explore and implement.

#### Impact

Each strategy has a listed impact level, either “direct” or “enabling.” These impact levels describe the types of housing outcomes and pathways a given strategy creates when implemented. Direct strategies financially fund, remove restrictions, or create new housing opportunities. Enabling strategies provide training, form partnerships, or pursue other initiatives that create new or additional capacity to produce housing.

(Figure X: Action Map)



- Sewer Line
- Water Line
- Town-Owned Land
- Open Space (by Level of Protection)**
- In Perpetuity
- Limited
- None
- Term Limited
- Unknown

## Key Action Areas

*Pending Planning Board review.*

## Implement key zoning amendments to ensure compliance with Section 3A and create new housing opportunities for first-time homebuyers, older adults wishing to downsize, and those with moderate or fixed incomes

Associated Goals: B, C

Priority: High

Implementation Timeframe: Medium (2-5yrs)

Impact: Direct

Zoning changes are one of the main tools available for increasing affordable housing production. Lakeville can implement a variety of zoning changes, designed to suit their residents' needs, such as reducing lot size requirements and incorporating mechanisms to produce affordable units under the Local Initiative Program.<sup>12</sup> This encourages smart growth, reduces barriers for accessory or multi-family units, and actively pursue development for populations whose housing options may be limited (e.g., retirement-age residents, first-time homebuyers, low-income residents).

Survey respondents were receptive to small-scale housing development (1-4) units, though support remained under 50%.

(Figure X: Survey Responses to "What housing-related interventions would you support?")

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<sup>12</sup> LIP is a state housing program established in 1989 to give cities and towns more flexibility.

The subsidy for this program is technical assistance and services provided to municipalities and developers for the creation, maintenance, and preservation of Low- or Moderate-Income Housing.

There are two means of creating affordable housing under LIP:

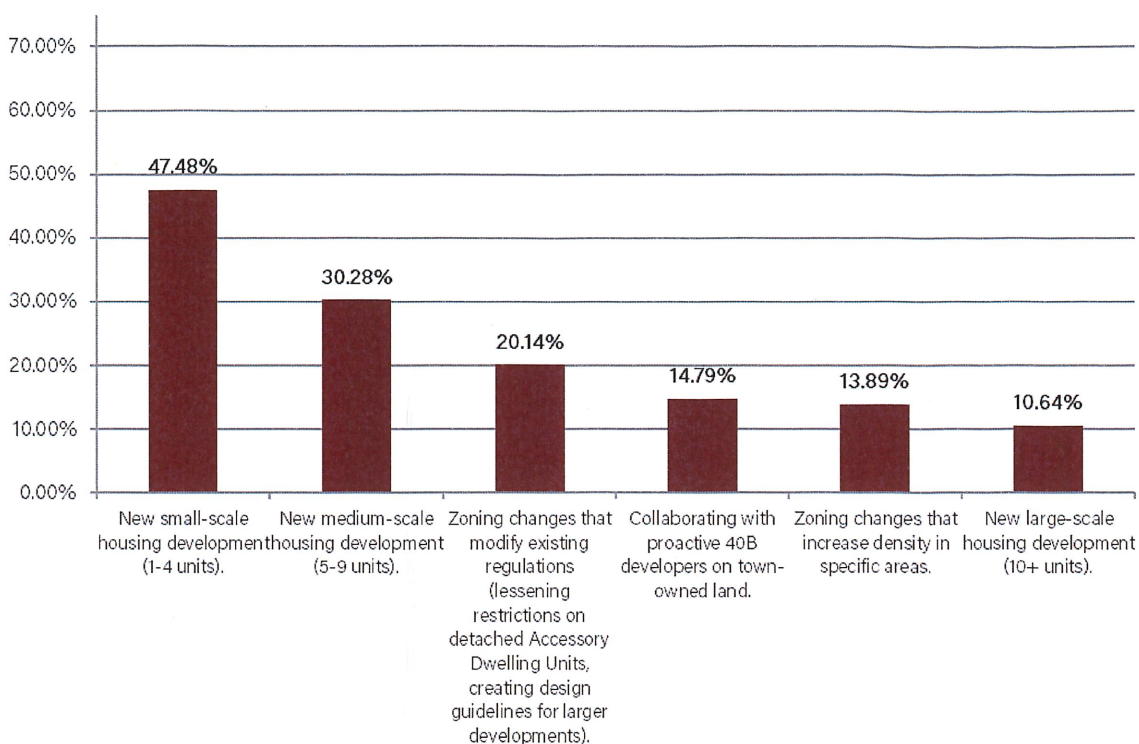
- Local Initiative Projects "Friendly 40B": go through the Comprehensive Permit process
- Local Action Units: developed through local zoning, such as Inclusionary Zoning bylaws, or permit issue process.

Units developed through LIP are eligible for inclusion on the SHI. DHCD reviews for:

- Consistency with State Sustainable Development Principles
- Consistency with Local Housing Needs
  - LIP approval for age-restricted housing needs to show actual need and marketability within the municipality.
  - Are other age-restricted units, created with a Comp Permit, unbuilt or unsold? Are the proposed age-restricted units, in context with other housing efforts, unresponsive to needs for family housing?



### What housing-related interventions would you support?



With enough outreach and subsequent buy-in, the Town could implement new zoning that allows for smaller-scale housing development. Lakeville could modify their existing base zoning district to create a new residential zone with reduced lot sizes (between 15,000-40,000sqft, as deemed appropriate by the Town). Previous planning documents (including the prior Housing Production Plan and 2020 Master Plan) also suggest the development of an OSRD bylaw and/or a Transfer of Development Rights (TDR) bylaw, both of which would promote more compact development in key areas throughout town while shifting growth away from important open spaces and natural resources. These bylaws can be written to include an affordability/inclusionary component as to produce new SHI-eligible housing.

Lakeville could also examine the feasibility of creating a Chapter 40R Starter Home Zoning District (SHZD), which promotes the development of small (not to exceed 1,850sqft) single family homes or accessory dwelling units (not exceeding 600sqft) on the same lot. SHZDs must be at least 3 contiguous acres in size and allow development at a density of at least 4 units per acre (approximately 10,000sqft in size). In these districts, a minimum of 20% of the starter homes must be deed-restricted affordable at or below 100% of the Area Median Income; a feature which is highly suitable for Lakeville, considering the prevalence of moderate- and high-income households in Town. Siting of a 40R SHZD would likely have to be paired with an assessment of infrastructure capacity, including the need for septic versus sewer (which is not currently serviced in town).

It is also essential that the Town keeps in mind the new section 3A of the Zoning Act, which requires all MBTA communities to have a zoning district of reasonable size in which multi-family zoning is allowed by-right at a district-wide gross density of at least 15 units per acre. Lakeville is classified as an “Adjacent Small Town,” which allows Lakeville to designate a zone of any size (versus larger communities who must zone for at least 50 acres). If planned carefully, achieving compliance with Section 3A could occur in tandem with new zoning amendments that work to increase density and housing development. Lakeville should also explore the feasibility of its existing 40R Smart Growth Overlay Districts for compliance.

Finally, thanks to recent amendments to the M.G.L. c. 40A (commonly known as the Zoning Act), the process for amending or adopting certain kinds of zoning that produces more housing has been simplified – primarily by reducing the required Town Meeting vote from a two-thirds supermajority to a simple majority.<sup>13</sup> These important changes can contribute to the town’s implementation of many of the above zoning-related strategies.

**Success Story:** The Town of Middleborough recently adopted a new 40R zoning overlay district consisting of two sub-districts within their downtown. Through thoughtful planning and the creation of design guidelines, the new zoning will directly contribute to Middleborough’s SHI while producing housing and commercial development that is consistent with its traditional Downtown.

**Additional Reading**

[M.G.L c 40R s 3](#), [Mass.gov’s Chapter 40R Resource Page](#), [Mass.gov’s Smart Growth/Smart Energy Toolkit Module on Transfer of Development Rights \(TDR\)](#), [Mass.gov’s Smart Growth/Smart Energy Toolkit Module on Open Space Design \(OSD\)/Natural Resource Protection Zoning \(NRPZ\)](#)

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<sup>13</sup> For more information on Chapter 358 of the Acts of 2020, please see <https://www.mass.gov/info-details/housing-choice-legislation>

## Pursue professional support to assist in conducting community outreach to better determine local needs and housing preferences.

Associated Goals: A

Priority: High

Implementation Timeframe: Short (<2yrs)

Impact: Enabling

Community buy-in is an essential part of passing meaningful housing reform that is tailored to Lakeville's needs while meeting state requirements. The Town can work with local organizations and community outreach groups such as the Citizens' Housing and Planning Association (CHAPA) to host educational conversations with residents while gathering information on their needs and preferences.

Assistance with an educational campaign will help to dispel myths associated with affordable housing and those who live there, its impact on local real estate values, and its impact on a community's character. A successful education campaign will also help build the local support that is necessary to implement the goals and strategies associated with a Housing Production Plan. Local champions for affordable housing are critical to long-term, sustained implementation.

The Town should consider engaging residents in a straightforward and transparent manner as it pursues local zoning changes and future development initiatives, such as the amendment of existing zoning districts, a Chapter 40R Starter Home Zoning District, and/or a multi-family housing zoning district that complies with section 3A of the Zoning Act (if necessary).

### Additional Reading

CHAPA's [Municipal Engagement Initiative \(MEI\)](#) is a program that helps communities gain support for local housing initiatives, such as proposed developments, zoning changes, and tax levies such as CPA. Applications open annually.

## **Pursue partnerships and funding resources to provide direct assistance to help preserve housing for vulnerable communities, including senior residents.**

Associated Goals: B, C

Priority: High

Implementation Timeframe: Long (>5yrs)

Impact: Direct

In addition to the creation of new housing options, direct assistance and preservation tactics help to keep affordable units available and allow residents to remain in their homes. These strategies are important when considering displacement concerns and aging populations like Lakeville's. They are also critical for maintaining safe and livable homes for all residents. Lakeville may consider pursuing federal funding, through the formation of a regional consortium, as towns such as Malden have done, or through programs like the [Commonwealth's Community Development Block Grant \(CDBG\) Program](#), which allocates federal CDBG funding to cities and towns for a variety of CDBG eligible activities such as home rehab, home development, and accessibility modifications. Lakeville could pursue CDBG funding either on its own, or through a consortium with other local communities, depending on the scale and nature of the projects the Town wishes to pursue. CPA funds may be used as a match for these applications.

Additionally, many towns have used CPA funds to support the creation of new housing options and rehabilitation of existing units for low- and moderate-income residents. As Lakeville continues to establish its Community Preservation Committee and their associated tasks, the Town may wish to explore the use of CPA funds to support small-scale affordable housing development and rehabilitation. Town staff can find example projects through the [Community Preservation Coalition's CPA Project Database](#), which can be filtered by category (open spaces, housing, historic, and recreation).

### **Case Study**

The City of New Bedford operates [several home rehabilitation and accessibility assistance programs](#) that aim to improve low- and moderate-income residents' housing. These programs offer direct funding and/or low-to-no-interest loans to make necessary accessibility, safety, or home rehabilitation repairs in owner-occupied or investor-owned homes. The programs are funded through HUD's HOME Investment Partnership Program and Community Development Block Grant. The City also administers state programs on behalf of Massachusetts Housing Partnership (MHP), DHCD, and MassHousing.

### **Potential Funding Resources**

HUD HOME Program, CDBG, MassHousing

**Additional Reading**

[Housing Toolbox for Massachusetts Communities \*Affordable Housing Trust + CPA Conference 2022\* resources, MHP's Municipal Affordable Housing Trust Guidebook](#)

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## Pursue partnerships leading to development that is affordable to those with low, moderate, and fixed incomes.

Associated Goals: B, D

Priority: Medium

Implementation Timeframe: Medium (2-5yrs)

Impact: Direct

Developing a clearly outlined process to review comprehensive permits will help Lakeville foster successful working relationships with 40B developers. Lakeville should pursue relationships with developers to encourage projects that create new subsidized affordable housing and allow room to negotiate development outcomes that positively impact the built environment and align with the desires (ex. visual preferences, low-impact development design, or parking requirements) of the Town.

Lakeville could guide this relationship by working with its Zoning Board of Appeals (ZBA) to review and update the *Rules and Regulations for Comprehensive Permits*. These guidance documents establish procedures for an application to the ZBA for permits granted Chapter 40B. Moreover, they are required by Chapter 40B and by 760 CMR 56.00 to facilitate the development of affordable housing.<sup>14</sup> These Rules and Regulations can also serve as a starting point for fostering collaborative municipal/developer relations.

### Case Study

The Town of Plainville's SHI is currently 16.7%, totaling 577 of the town's 3,459 housing units. By fostering strong working relationships with developers, the Town has successfully negotiated site design and engineering modifications, including landscaping and sidewalk additions, for several developments in the past few years, including the Oasis at Plainville.

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<sup>14</sup> The purpose of these documents is also to protect the health, safety, and welfare of the present and future inhabitants of the proposed 40B development and the Town, including but not limited to, the following purposes and local concerns: to protect drinking water; to maintain open spaces by recognizing the concern for irretrievable loss of farmlands, wetlands, and woodlands while respecting the rights of property owners; to encourage the most appropriate uses of land through a proper balance of development and preservation given the Town's limited natural resources and infrastructure constraints; to preserve the historic and cultural characteristics of Lakeville; to provide a mix of housing types and a range of housing costs; and to enable long-term residents of Lakeville to remain in the Town, providing a sense of history and continuity. Using these Rules, Lakeville can also explore potential affordable housing reuse opportunities for municipally owned land that does not have high conservation value.

## Consider hiring a part-time housing staff member or consultant to assist in implementing the strategies within the Housing Production Plan.

Associated Goals: A, B, C, D

Priority: Low

Implementation Timeframe: Medium (2-5yrs)

Impact: Enabling

Lakeville would benefit from acquiring additional assistance in implementing their housing goals and strategies given current staff's existing time commitments and responsibilities. This can include hiring a new staff member whose focus would be on housing efforts in Town or contracting with a local housing consultant.

Through CPA allocations, Community Compact Cabinet funds, District Local Technical Assistance (DLTA) funds, and other opportunities, the Town could take action to acquire internal expertise for a limited time or external assistance from consultants to assist with implementation of the Plan.

### Case Study

Through CPA funding, the Town of Wellfleet allocated \$4,626,611 to community housing efforts from 2006-2021, totaling 47% of their CPA spending over that timeframe. In 2016, the town used \$50,000 of their housing-designated CPA funding to hire a part-time consultant to assist with various housing projects and the development of a new Housing Production Plan.

## Investigate opportunities for adaptive reuse to redevelop underutilized municipally owned land and buildings.

Associated Goals: B, D

Priority: Low

Implementation Timeframe: Short (<2yrs)

Impact: Enabling

This strategy entails identifying municipal structures that have become abandoned, underutilized, or functionally obsolete and determining if they have potential to be reused for affordable housing. Reusing these properties as housing enables a community to accommodate growth in established locations instead of on green space and at the same time preserve or restore the architectural fabric of the community.

**Success Story:** The City of Springfield redeveloped its former Fire Station at 145 Pine Street. The site was sold to the Mental Health Association, which converted the property into 15 studio and one-bedroom apartments. The project contributes to the town's goals of providing affordable housing while also bringing an underutilized municipal building back into an active use.



## Review the availability of town-owned and tax-title properties to work in tandem with adaptive reuse goals.

Associated Goals: B, D

Priority: Low

Implementation Timeframe: Short (<2yrs)

Impact: Enabling

A municipality can inventory and examine parcels they own, as well as tax-title properties, in order to determine if they are suitable for affordable housing development. These parcels are more readily available for affordable housing development than their privately-owned counterparts. Communities can declare these properties “excess property” (typically at Town meeting); then, through an RFP process, can partner with affordable housing developers or agencies, such as Habitat for Humanity, to produce housing.

The Town of Lakeville owns 104 parcels. Some of these parcels are protected open space, however, there are several parcels that may be eligible for smaller housing development, such as starter homes on lots that may be non-conforming due to their size or on currently underutilized parcels.

**Success Story:** The Town of Wellfleet put out an RFP for a municipally-owned property at [95 Lawrence Road](#) and received three bids, one of which was recently selected and unanimously approved by the Select Board to proceed. The project, which would produce 46 apartments, is currently undergoing review to determine if it is eligible to apply for a Comprehensive Permit. These apartments will be designed considering net zero energy goals, and will feature rooftop solar, all electric building systems, and low flow plumbing fixtures.

## Conclusion

Housing is one of the most important aspects of an individual's life and livelihood. And just as a residence is more than a physical shelter – it's a home – neighborhoods are one of the main building blocks of a healthy, balanced community. This Housing Production Plan seeks to provide the Town of Lakeville with a clear picture of the trends and pressures that can make it difficult to build more homes and create neighborhoods that serve all types of households. We've shown how a combination of efforts, if pursued proactively and in a coordinated way, can address these barriers, contribute to Lakeville's housing stock, improve the lives of existing and future residents, and complement the town's built and natural landscapes.

For those readers looking for more information, please explore the HPP's footnotes, links, and Appendices.

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### Student Enrollment



Enrollment by Grade (2022-23)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	175	181	189	181	3	729
<a href="#">Assawompset Elementary School</a>	0	114	111	144	124	0	0	0	0	0	0	0	0	0	0	493
<a href="#">Freetown Elementary School</a>	51	77	97	90	111	0	0	0	0	0	0	0	0	0	0	426
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	233	227	215	0	0	0	0	0	675
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	221	232	0	0	0	0	0	0	0	0	453
<b>District</b>	51	191	208	234	235	221	232	233	227	215	175	181	189	181	3	2,776

Enrollment by Grade (2021-22)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	183	191	191	153	0	718
<a href="#">Assawompset Elementary School</a>	0	103	136	125	119	0	0	0	0	0	0	0	0	0	0	483
<a href="#">Freetown Elementary School</a>	48	98	85	107	96	0	0	0	0	0	0	0	0	0	0	434
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	226	216	233	1	0	0	0	0	676
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	224	221	0	0	0	0	0	0	0	0	445
<b>District</b>	48	201	221	232	215	224	221	226	216	233	184	191	191	153	0	2,756

Enrollment by Grade (2020-21)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	198	194	156	205	0	753
<a href="#">Assawompset Elementary School</a>	0	116	109	115	113	0	0	0	0	0	0	0	0	0	0	453
<a href="#">Freetown Elementary School</a>	33	83	105	93	97	0	0	0	0	0	0	0	0	0	0	411
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	202	229	234	1	0	0	0	0	666
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	200	217	2	0	0	0	0	0	0	0	419
<b>District</b>	33	199	214	208	210	200	217	204	229	234	199	194	156	205	0	2,702

Enrollment by Grade (2019-20)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	191	154	212	175	0	732
<a href="#">Assawompset Elementary School</a>	0	113	125	117	119	0	0	0	0	0	0	0	0	0	0	474
<a href="#">Freetown Elementary School</a>	57	106	91	107	85	0	0	0	0	0	0	0	0	0	0	446
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	232	249	262	1	0	0	0	0	744
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	232	203	1	0	0	0	0	0	0	0	436
<b>District</b>	57	219	216	224	204	232	203	233	249	262	192	154	212	175	0	2,832

Enrollment by Grade (2018-19)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	154	207	174	192	0	727
<a href="#">Assawompset Elementary School</a>	0	118	106	112	129	0	0	0	0	0	0	0	0	0	0	465
<a href="#">Freetown Elementary School</a>	48	91	107	83	99	0	0	0	0	0	0	0	0	0	0	428
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	238	264	248	0	0	0	0	0	750
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	206	223	2	0	0	0	0	0	0	0	431
<b>District</b>	48	209	213	195	228	206	223	240	264	248	154	207	174	192	0	2,801

Enrollment by Grade (2017-18)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	208	183	196	188	0	775
<a href="#">Assawompset Elementary School</a>	0	103	106	123	102	0	0	0	0	0	0	0	0	0	0	434
<a href="#">Freetown Elementary School</a>	48	105	77	94	88	0	0	0	0	0	0	0	0	0	0	412
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	264	251	237	0	0	0	0	0	752
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	0	212	228	0	0	0	0	0	0	0	0	440
<b>District</b>	48	208	183	217	190	212	228	264	251	237	208	183	196	188	0	2,813

Enrollment by Grade (2016-17)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	182	189	201	153	0	725
<a href="#">Assawompset Elementary School</a>	0	101	120	96	100	0	0	0	0	0	0	0	0	0	0	417
<a href="#">Freetown Elementary School</a>	42	72	99	89	98	0	0	0	0	0	0	0	0	0	0	400
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	246	235	258	0	0	0	0	0	739
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	3	216	254	0	0	0	0	0	0	0	0	473
<b>District</b>	42	173	219	185	201	216	254	246	235	258	182	189	201	153	0	2,754

Enrollment by Grade (2015-16)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	197	193	167	190	0	747
<a href="#">Assawompset Elementary School</a>	0	114	95	99	118	0	0	0	0	0	0	0	0	0	0	426
<a href="#">Freetown Elementary School</a>	42	98	89	99	89	0	0	0	0	0	0	0	0	0	0	417
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	236	253	264	0	0	0	0	0	753
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	1	246	245	0	0	0	0	0	0	0	0	492
<b>District</b>	42	212	184	198	208	246	245	236	253	264	197	193	167	190	0	2,835

Enrollment by Grade (2014-15)																
	PK	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Total
<a href="#">Apponequet Regional High</a>	0	0	0	0	0	0	0	0	0	0	189	170	193	201	0	753
<a href="#">Assawompset Elementary School</a>	0	90	100	118	148	0	0	0	0	0	0	0	0	0	0	456
<a href="#">Freetown Elementary School</a>	45	84	96	80	88	0	0	0	0	0	0	0	0	0	0	393
<a href="#">Freetown-Lakeville Middle School</a>	0	0	0	0	0	0	0	252	258	265	0	0	0	0	0	775
<a href="#">George R Austin Intermediate School</a>	0	0	0	0	2	234	224	0	0	0	0	0	0	0	0	460
<b>District</b>	45	174	196	198	238	234	224	252	258	265	189	170	193	201	0	2,837

[Enrollment Data \(2022-23\) - Freetown-Lakeville \(06650000\) \(mass.edu\)](#)

Lakeville 3ATA Round 1					20				
Line Item	Responsibilities	Tasks	Status	J	F	M	A	M	J
1	Educational and Progress Meetings	SRPEDD, Town of Lakeville	Three (3) meetings with staff, boards, and local officials about requirements of law, and Lakeville's desired approach to satisfying Section 3A requirements.		*		*		*
2	Review of Existing 40R District	SRPEDD	<ul style="list-style-type: none"> <li>• Analysis of obstacles;</li> <li>• Overview of path to compliance for 40R district(s);</li> <li>• Highlight of relevant details for Lakeville's 40R district(s);</li> <li>• Review of existing planning studies (HPP, Master Plan, et.) for designated housing and applicable land use goals;</li> <li>• Document and illustrate existing "on-the ground" development patterns and trends; and</li> <li>• Work with staff and local boards to identify 1-2 potential alternative districts to the 40R (if necessary).</li> </ul>						
3	Evaluating Existing 40R District for Compliance with Location, Size and Minimum Unit Capacity	SRPEDD	<ul style="list-style-type: none"> <li>• Exporting parcel data and importing data into the compliance model;</li> <li>• Reviewing existing zoning and assisting with completion of the model checklist;</li> <li>• Reviewing proposed zoning and assisting with completion of the model checklist;</li> <li>• Determining parcel overrides in the model if changes to constrained land are required;</li> <li>• Running the model to test for compliance with district size, unit capacity, density metrics, etc.;</li> <li>• Testing potential modifications and amendments to district boundaries and/or intensity requirements; and</li> <li>• Providing Lakeville with a set of written recommendations aimed at reaching compliance, or an explanation of findings (if current 40R is compliant with Section 3A).</li> </ul>						
4	In-Depth Suitability Analysis	SRPEDD	<ul style="list-style-type: none"> <li>• Conduct a "Suitability" analysis to determine areas suitable for future multi-family housing given Lakeville's environmental and infrastructure considerations;</li> <li>• Conduct a "Scenario" analysis of up to two (2) scenarios;</li> <li>• Create a series of maps to show different areas of suitability for each "suitability group;"</li> <li>• Translate the results of the Suitability Analysis into a written set of findings.</li> </ul>						
5	Site-Specific Analysis	SRPEDD, Town of Lakeville	<ul style="list-style-type: none"> <li>• Given findings from the Suitability Analysis, examine key sites in town for their eligibility as sites for future multi-family housing development; and</li> <li>• Provide recommendations for future siting of a new multi-family district.</li> </ul>						
6	Findings Write-Up	SRPEDD	Final report on findings of compliance model, suitability analysis, and site review.						

## Inclusionary Zoning Bylaw

### Introduction

*This model bylaw provides a menu of options for crafting inclusionary zoning bylaws that respond directly to local housing demands and real estate financial conditions. The zoning structure begins as a mandatory inclusionary zoning provision, then offers a series of optional exemptions to affordable housing development that mitigate hardships associated with affordable housing development. Section 04.2 includes a variety of incentives that can be used spur affordable housing development and mitigate the costs borne by developers. Commentary below specific provisions details the development implications of each exemption and incentive. Municipalities should carefully consider the development consequences of each of these policy choices in order to assemble zoning bylaws that respond directly to local economies. However, note that previous studies, [<http://www.mhp.net/vision/zoning.php>], indicate that mandatory provisions combined with strong incentives are most effective in promoting affordable housing development.*

**01.0 Purpose and Intent:** The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw/ordinance be considered as Local Initiative Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development. Definitions for affordable housing unit and eligible household can be found in the Definitions Section.

### 02.0 Applicability

1. In all zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses:

- (a) Any project that results in a net increase of [ten (10)] or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and

***COMMENT:** The number of units required to trigger the applicability of the inclusionary zoning provisions should reflect local real estate development demands. In built-out communities, inclusionary zoning could apply to developments with fewer units. For example, Brookline's affordable housing requirements apply when six new residential units are proposed. Other Massachusetts communities, including Boston and Cambridge bylaws specify ten (10) as the threshold number of new units required to trigger the application inclusionary zoning bylaws. The Cape Cod Commission regulations specify 30 units, but encourage the member towns to specify a 10-unit minimum.*

(b) Any subdivision of land for development of ten (10) or more dwelling units; and

*COMMENT: It is recommended that the Town adopt a companion regulation to prevent intentional segmentation of projects designed to avoid the requirements of this bylaw (e.g. subdividing one large tract into two smaller tracts, each of which will contain fewer than 10 units or phasing a development such that each phase will contain fewer than 10 units). This “anti-segmentation” bylaw can specify that parcels held in common ownership as of the passage of this bylaw cannot later defeat the requirements of this regulation by segmenting the development. Note that the division of land trigger is accomplished by either filing a plan for the subdivision of land or the filing of a so-called approval not required plan.*

(c) Any life care facility development that includes ten (10) or more assisted living units and accompanying services.

*COMMENT: It is recommended that the Town review zoning definitions for life care facilities to ensure coordination between sections.*

**03.0 Special Permit:** The development of any project set forth in Section 02.0 (above) shall require the grant of a Special Permit from the Board of Appeals or other designated Special Permit Granting Authority (SPGA). A Special Permit shall be granted if the proposal meets the requirements of this bylaw. The application procedure for the Special permit shall be as defined in Section \_\_\_\_ of the Town’s zoning bylaw.

**04.0 Mandatory Provision of Affordable Units:**

1. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of affordable unit in accordance with the following requirements:

(a) At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

- (1) constructed or rehabilitated on the locus subject to the Special Permit (see Section 05.0); or
- (2) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section 06.0); or
- (3) an equivalent fees-in-lieu of payment may be made (see Section 07.0); or
- (4) An applicant may offer, and the SPGA may accept, donations of land in fee simple, on or off-site, that the SPGA in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units. The SPGA may require, prior to accepting land as satisfaction of the requirements of this bylaw/ordinance,



that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value.

(b) The applicant may offer, and the SPGA may accept, any combination of the Section 04.1(a)(1)-(4) requirements provided that in no event shall the total number of units or land area provided be less than the equivalent number or value of affordable units required by this bylaw/ordinance.

*COMMENT: The provisions above establish the minimum number of, and methods for, provision of affordable units. Note that the applicant has four choices for providing affordable units. First, they may construct or rehabilitate units on the site subject to the Special Permit. Second, they may construct or rehabilitate units at a different site than the one subject to the Special Permit. Third, they may offer fees-in-lieu of the construction of affordable housing units, more fully discussed in Section 07. Fourth, they may offer, and the SPGA may accept, land on- or off-site for the purposes of constructing affordable units, perhaps by the Town or a non-profit entity or a subsequent developer. Finally, the applicant may propose and the SPGA may accept any combination of options one through four.*

(c) As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward the [town]'s Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions listed in Section 0.9 of this bylaw. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings.

*COMMENT: Regulatory agreements are an essential component to any affordable housing development as they are the primary vehicle for recording these restrictions in a manner recognized by the Commonwealth. The content of agreements will vary depending on a variety of factors including: the type of housing (rental or ownership), the method of property transferal, the income limits, the town's housing administrative structure, etc. Sample restrictions can often be found attached to approved Plan Production Plans (<http://www.mass.gov/dhcd/components/SCP/PProd/plans.htm>).*

2. To facilitate the objectives of this Section 04.0, modifications to the dimensional requirements in any zoning district may be permitted for any project under these regulations, as the applicant may offer and the SPGA may accept, subject to the conditions below:

(a) FAR Bonus. The FAR normally permitted in the applicable zoning district for residential uses may be increased by up to thirty (30) percent for the inclusion of affordable units in accordance with Section 04.1 (above), and at least fifty (50) percent of the additional FAR should be allocated to the affordable units. In a mixed use

development, the increased FAR may be applied to the entire lot, however any gross floor area increase resulting from increased FAR shall be occupied only by residential uses, exclusive of any hotel or motel use.

(b) Density Bonus. The SPGA may allow the addition of two market rate units for each affordable unit provided as part of compliance with the Special Permit. The minimum lot area per dwelling unit normally required in the applicable zoning district may be reduced by that amount necessary to permit up to two (2) additional market rate units on the lot for each one affordable unit required in Section 04.1 (above).

*COMMENT: The provisions above provide a baseline density bonus of two market rate units for every one affordable unit provided by an applicant. This density bonus will likely cover the cost to the developer of providing each required affordable unit. These provisions may also make the adoption of mandatory inclusionary zoning more politically feasible. Communities may choose to omit this provision in favor of offering density bonuses for affordable units above and beyond the baseline requirement of 10%. However, the two different approaches may be used together as in this model bylaw. The following provision (04.2(c)) illustrates how density bonuses can be provided for affordable units beyond the baseline 10%.*

(c) Voluntary Inclusionary Housing Bonus. New affordable housing development that is not subject to Section 02.0 and exceeds the requirements specified in Section 04.1(a) may receive the same benefits specified in Sections 04.2(a) and 04.2(b) when the development is approved by the SPGA. The net increase in housing units shall not exceed [fifty percent 50%] of the original property yield before any density bonuses were applied.

*COMMENT: Where communities are willing to allow density increases for associated with affordable units provided above and beyond the baseline 10%, the important issue to address is what the overall “cap” will be for the density bonus. The model uses a net 50% over the property yield as a potential cap for density increase, but communities could consider higher increases depending on the existing minimum lot size and the goals of their Comprehensive Plan.*

#### **05.0 Provisions Applicable to Affordable Housing Units On- and Off-Site:**

1. Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.
2. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.

**COMMENT:** The provisions above provide general guidelines meant to ensure that the affordable housing is well integrated with and visually indistinguishable from market rate housing. These goals can be strengthened by specifying site plan and building material standards.

Market-rate Unit (% Complete)	Affordable Housing Unit (% Required)
<30%	-
30% plus 1 unit	10%
Up to 50%	30%
Up to 75%	50%
75% plus 1 unit	70%
Up to 90%	100%

Fractions of units shall not be counted.

3. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

**COMMENT:** The table above establishes the required schedule for completion of affordable units in conjunction with the completion of market rate units. For example, a 100-lot subdivision requires 10 affordable units. Assume all 10 affordable units are to be constructed on-site. Upon completion of the 31st market rate unit, the developer must construct at least 1 affordable unit (10% of 10). After completion of the 50th unit, the applicant must have constructed at least 3 affordable units (30% of 10), and so on. Towns are free to adjust this schedule, but should bear in mind that a minimum number of market rate units are often needed to create sufficient cash flow to make the overall project work. To that end, it is recommended that the initial affordable unit requirement not be triggered until at least one-third of the market units are constructed.

4. Marketing Plan for Affordable Units. Applicants under this bylaw/ordinance shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

**COMMENT:** A marketing plan is considered essential to the success of affordable housing development in many parts of Massachusetts. Issues of how the units are advertised, how qualified applicants are sought and determined, and methods for reducing delays for qualified applicants are key to the use of this bylaw/ordinance. As an option, the responsibilities under this provision could be transferred to a local housing partnership or authority.

#### 06.0 Provision of Affordable Housing Units Off-Site:

1. As an alternative to the requirements of Section 05.0, an applicant subject to the bylaw/ordinance may develop, construct or otherwise provide affordable units equivalent to those required by Section 04.0 off-site. All requirements of this bylaw/ordinance that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process.

**COMMENT:** *Allowing off-site provision of affordable units gives flexibility to developers and allows municipalities to more carefully control the siting of new affordable housing development. Towns should add review criteria for the approval of off-site locations to ensure that new affordable housing development promotes the goal of creating mixed-income neighborhoods and encourages development or conversion of affordable units near areas with municipal services or access to public transportation may. Relegating the provision of the affordable units to undesirable portions of the community does little to promote the purposes of this bylaw/ordinance. Furthermore, towns and cities with more economically segregated neighborhoods should consider striking this provision from the bylaws to ensure that each new residential development built in any neighborhood contains some affordable housing.*

#### **07.0 Fees-in-Lieu-of Affordable Housing Unit Provision:**

1. As an alternative to the requirements of Section 05.0 or Section 06.0, an applicant may contribute to an established local housing trust fund to be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.

(a) Calculation of fee-in-lieu-of units. The applicant for development subject to this bylaw may pay fees-in-lieu of the construction of affordable units. For the purposes of this bylaw/ordinance the fee-in-lieu of the construction or provision of affordable units will be determined as a per-unit cost as calculated from regional construction and sales reports. The SPGA will make the final determination of acceptable value.

**COMMENT:** *This Section provides a cash payment option in lieu of providing affordable units. The payment value may differ for each municipality and will depend on the size of the affordable housing unit discount that would be necessary to make the unit affordable (e.g. median sale price of market rate unit minus maximum sale price of a three-bedroom affordable dwelling unit). Fees-in-lieu will need to be recalculated regularly to account for inflation and other market changes. Furthermore, the local housing trust fund will need to be closely regulated to ensure that dollars contributed to the fund are spent exclusively on the provisioning of affordable housing. This is the appropriate section for specifying guidelines for administering the housing trust and stipulating the governance structure by which the trust will be managed.*

*Municipalities that significantly lack affordable housing opportunities should consider heavily restricting the fee-in-lieu payment option. In built-out communities, housing trust funds often grow and sit unused because sites appropriate for affordable housing development are not available. Additionally, affordable housing trusts can force municipal agents into the role of real estate developers, which local government officials may be poorly suited for or reluctant to do. Cities such as Cambridge have eliminated the fee-in-lieu payment option in almost all cases except for extreme hardship in order to ensure that affordable housing is built by the developers at the same time that new development is under construction.*

(b) Schedule of fees-in-lieu-of-units payments. Fees-in-lieu-of-units payments shall be made according to the schedule set forth in Section 05.3, above.

*COMMENT: This section establishes the fee-in-lieu of payments schedule to coincide with the schedule for provision of units established by Section 05.3. For example, a 50-lot subdivision requires five affordable units. An applicant choosing to make fee-in-lieu of payments would be required to pay \$5X (5 units @ \$X per unit). The payment schedule would require 10 percent of the \$5X after the 16th market rate unit was built, and \$100,000 after the 38th market rate unit was built and so on, according to the schedule noted in Section 05.3.*

- (c) Creation of Affordable Units. Cash contributions and donations of land and/or buildings made to the Town or its Housing Trust in accordance with Section 07.1 shall be used only for purposes of providing affordable housing for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

#### **08.0 Maximum Incomes and Selling Prices: Initial Sale:**

1. To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.
2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

*COMMENT: The Department of Housing and Community Development publishes maximum income, selling prices and monthly rent ceilings for occupants of affordable income housing units (Department of Housing and Community Development, Local Initiative Program, July 1996). Individual towns are free to adjust these numbers to accommodate local needs and concerns; however, it is recommended that the Department's guidelines be reviewed prior to setting local ceilings. These provisions may be more appropriately handled by the local housing partnerships rather than the developer.*

#### **09.0 Preservation of Affordability; Restrictions on Resale:**

1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section 0.4.1(c)). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.

- (a) Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property noted in Section 9.1, above.

**COMMENT:** For example, if a unit appraised for \$100,000 is sold for \$75,000 as a result of this bylaw, it has sold for 75 percent of its appraised value. If the appraised value of the unit at the time of proposed resale is \$150,000, the unit may be sold for no more than \$112,500-- 75 percent of the appraised value of \$150,000.

(b) Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(c) The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in Section 10.1(b), above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

**COMMENT:** This Section provides language to ensure that the affordable housing units remain affordable by restricting re-sales in perpetuity and by granting the Town a right of first refusal to purchase the dwelling unit should a qualified purchaser, beyond the initial purchaser, not be found. The restrictions on resale are designed to encourage the homeowner to maintain and improve the property while at the same time ensure that if and when sold, the new qualified buyer is able to enjoy the same discount between sale price and appraised value. It is important to emphasize that the restrictions on resale do not block, in any way, the property owner from realizing a profit on the resale of the dwelling unit. Rather, as noted, the resale restriction passes on the initial discounted rate enjoyed by the initial buyer to the new, qualified buyer.

**10.0 Conflict with Other Bylaws/Ordinances:** The provisions of this bylaw/ordinance shall be considered supplemental of existing zoning bylaws/ordinances. To the extent that a conflict exists between this bylaw/ordinance and others, the more restrictive bylaw/ordinance, or provisions therein, shall apply.

**COMMENT:** This provision establishes that where a conflict exists between this bylaw/ordinance and an existing (or future) bylaw/ordinance, the more restrictive provisions of either would apply. For example, this bylaw/ordinance requires a Special Permit for the division of land into ten or more lots, whereas that requirement may not currently exist in existing town bylaws/ordinances. Section 10.0 states that the more restrictive provision applies during a conflict, thus the Special Permit requirements of this bylaw/ordinance would supersede (overrule) the provisions of existing bylaws/ordinances.

**11.0 Severability:** If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the [town]'s zoning bylaw.

**COMMENT:** *This Section is a generic severability clause. Severability clauses are intended to allow a court to strike or delete portions of a regulation that it determines to violate state or federal law. In addition, the severability clause provides limited insurance that a court will not strike down the entire bylaw should it find one or two offending sections.*

**Planning Board  
Lakeville, Massachusetts  
Minutes of Meeting  
Thursday, January 12, 2023**

On January 12, 2023, the Planning Board held a meeting at the Lakeville Police Station. The meeting was called to order by Chairman Knox at 7:00 p.m. He asked if anyone present was recording the meeting in addition to LakeCam who was making a video recording of the meeting. There was no response.

**Members present:**

Mark Knox, Chair; Peter Conroy, Vice-Chair; Nora Cline, Jack Lynch, Michele MacEachern

**Others present:**

Marc Resnick, Town Planner

**Housing Production Plan – Progress review -Taylor Perez of SRPEDD**

Ms. Perez from SRPEDD was present. She advised she has been working with Mr. Resnick to determine what should be in the plan. Right now, they have the goals and strategies which are two required sections within the Housing Production Plan. She would like to go through them with the Board to see if they feel that these goals are appropriate and that the strategies are adequately accomplishing the goals. Ms. Perez then read through the goals.

Ms. Cline asked what the percentage of senior citizens living in Lakeville was. Ms. Perez did not have that information but noted that the median age in 2018 was in the 40's. They are seeing, in general, the communities in the northeast are aging. The survey indicated that people did not feel that there were adequate housing options available for older adults. She would get that number for the Board. Mr. Lynch asked that a vulnerable community be defined. Ms. Perez replied it could be anyone who is in a position where they might not be able to keep the housing that they are in or might be in a precarious housing situation in general. For example, older adults may live in a house that is too large to maintain, they might need a bathroom on the first floor, etc., and the house they have might not reflect their current needs. Adults living on Social Security or are on a fixed income are also considered vulnerable communities.

Mr. Knox asked for a further explanation of Goal D to continue to produce SHI eligible units. He felt that was not a task for the Town of Lakeville, but is typically a task of developers. Mr. Resnick replied that it can be both, through 40B applicants and other applications where they can produce affordable units for the community. There are other ways the community can create their own units such as through a Housing Authority, through a home program, or other local initiative programs. Ms. Perez agreed that the statement is very broad, and it is up to them to decide together how they want to pursue it. There is a lot of room for them to determine what the most appropriate



mechanism is and the timeline. She advised that over the next five years all they would have to do is produce the 1% to get two years of Safe Harbor.

Ms. MacEachern stated she thought when they talk about 40B it is not something they should focus on, but they should try to find something that works for Lakeville. Residents are not against affordable housing, they are against dense housing. She noted that communities in the State that have reached that 10% do not reflect a rural community like Lakeville. Maybe they could tweak Goal D to not achieve the Commonwealth's required amount of housing units through 40B, but more through something like inclusive zoning. Ms. Perez said that is not necessarily an issue but it is difficult to write a Housing Production Plan without addressing 40B as the enabling legislation. This Plan will also go to DHCD for review before it can be formally adopted. Ms. MacEachern suggested changing it through the language.

Ms. Perez noted that when they discuss affordable housing there is the referral to both subsidized, SHI eligible, and the naturally occurring market rate housing. SRPEDD does their best to not just focus on creating subsidized housing, but also that missing middle affordable market rate housing. When they get into the strategy about the key zoning amendments some of those include smaller lot sizes, less restrictions on ADU's, and many other ways. She agreed they should focus on all of that at once, and not just one thing. Ms. Perez said given the scope of the Housing Production Plan, there are some minimum boxes they have to check, but they can be as expansive as they like.

Mr. Knox advised that Ms. Perez had said to create affordable, not by the State standards, but less expensive housing through zoning by allowing smaller lots, etc. Mr. Resnick had drafted up an Open Space Residential Development (OSRD) bylaw, which he thought they would revisit in the future. Is that what she is talking about? Ms. Perez replied yes. In their Master Plan a Transfer Development Rights (TDR) bylaw was encouraged. It could be an inclusionary or smaller lot to encourage smaller homes. After further discussion, Mr. Knox asked if it would be wise for the Open Space Bylaw to be referenced. Ms. Perez said that they can do that.

Ms. Perez then read through the following strategies:

- Pursue partnership and funding resources to provide direct assistance to help preserve housing for vulnerable communities, including senior residents. Ms. Perez said this is direct preservation tactics such as low or no interest home loans to make accessibility modifications, lead abatement, or emergency repairs. There is funding from the Commonwealth where they distribute Community Development Block Grants (CDBG).
- Pursue partnerships leading to development that is affordable to those with low, moderate, and fixed incomes. This is that friendly 40B where you work with developers to see a development outcome that you would like to see.
- Implement key zoning amendments to ensure compliance with Section 3A and create new housing opportunities for first-time homebuyers, older adults downsizing, and those with moderate or fixed incomes. Ms. Perez said this is where she would add the Open Space Design bylaw as an option. She noted there is a lot of low density, single family zoning which may lead to suburban sprawl, fracture habitats, and lead to more deforestation. Under Section 3A, the Town is considered an adjacent small town and has to zone for a

district of no minimum size with no location requirement that will have the capacity for at least 231 multi-family units by right.

Ms. MacEachern asked about their existing 40R district being applied to both. Mr. Resnick replied they could use their existing 40R section to comply, but not the existing buildings. Ms. Perez noted that under the current legislation it is not to prove that units are being built on the ground. It is very much a question of their zoning capacity. Ms. MacEachern added that Middleboro has denied the State requirement and one of their comments was if enough towns pushed back then perhaps the State would rescind the mandate. She thought it was something interesting to consider. They should not get comfortable because if it is zoned by right, it will come. Ms. Perez replied that their 40R has been in place since 2009 by right. She felt the Town was well positioned, and it would be advantageous to at least pursue confirming if they do or do not comply with their 40R.

Mr. Knox asked for clarification on strategy number one. Ms. Perez replied this could be done through a number of ways. She has seen some communities form a regional consortium that works to apply for funding as a group, and then disseminate it through a Board. She could be more specific about who that could be. Mr. Resnick added that although he had started these types of programs in other communities, Lakeville might rank low on a need's assessment score given their relatively high median income level. Mr. Knox said with that information, maybe that shouldn't be a high priority item. After further discussion, Ms. Perez said that they could scale back this strategy to be less of Lakeville initiating a new program, to more of if they can gather some resources and create a web page or something like that.

Mr. Knox asked if using the housing component of CPC could also be an option instead of creating another bureaucracy in Town. Ms. Perez said that Lakeville does not have to institute some level of bureaucracy that's not necessary, a middle ground could be something like a partnership with Mass Housing regarding loan programs once you have a better understanding of the need. The lowest intensity pathway is the Town gathers information and publishes public resources that residents in Town may be interested in pursuing or need assistance in. Members agreed that type of strategy would be more reasonable and actionable.

Mr. Knox suggested the priorities on strategy number two and number three be flipped. Number three, the zoning is a proactive thing they could take on. It could possibly create friendly, rural character homes that would be a market value affordable and not subsidized. He felt that should be a high priority. Regarding strategy number two, Mr. Knox was unsure as to how you create a friendly 40B. Mr. Resnick explained one way is when a developer comes to the Town with a proposal, and they are willing to work or talk about the site design and some of the issues prior to them getting into a lot of engineering on their own. There is a lot of discussion up front. The second way is if the Town has property, they put out an RFP for development communities. They set the parameters and acknowledge the fact that permitting will go through the 40B process but because the Town owns the property, it can set the limits of what they will allow. After discussion,

Mr. Knox said he would say to change the priority to medium on that strategy and add 40R as well. Regarding strategy number three, Mr. Resnick asked if assisted living facilities were considered year-round housing units that are counted as housing units in the community. Ms. Perez was unsure, but imagined they would be counted. He suggested a senior housing/assisted living bylaw be added as a goal. Ms. Perez asked if the Board felt they should add something in regards to design guidelines. Mr. Resnick replied they did have some guidelines within their new Site Plan Review bylaw. At some point in the future, it might be desirable to enhance that and turn it into more of a design booklet, but he thought it would be a lower priority.

- Pursue professional support to assist in conducting community outreach to better determine local needs and housing preferences.

Ms. Perez said they have started to do something like this by doing an initial community survey, but there is much more to be done to determine what the community is thinking and what they need. That could be done through organizations like Citizens Housing and Planning Association (CHAPA) and the Municipal Engagement Initiative (MEI) program.

Ms. Cline thought additional outreach was important and something they needed to get going. The Town website is static and just normal business gets posted. It's like they need a social media outreach person or maybe a media outreach person that will keep putting information out there for the residents to be able to read about. Ms. MacEachern said maybe this should be a high priority. In speaking with residents about the housing component of the CPA when you say affordable housing, they think high crime and a tax on services. When you say affordable units for your seniors, veterans, teachers, then they are on board. She thought an educational campaign would benefit the Town for that reason. After further discussion, Ms. Perez said they would bump this item up so it would be one of the first things that you read. She will then reorganize these and let the Board know what the new order is, and they can discuss it.

- Consider using a portion of CPA funding to hire a part-time housing staff member or consultant to assist in implementing the strategies within the Housing Production Plan. Ms. Perez advised, for example, Wellfleet used some of those funds to get a housing designated person to do work there for the year, and they assisted them with developing a Housing Production Plan. This would be a longer-term goal. Mr. Knox said this would be a low priority goal. Members agreed.
- Investigate opportunities for adaptive reuse to redevelop underutilized municipally owned land and buildings.
- Review the availability of Town-owned and tax-title properties to work in tandem with adaptive reuse goals. Ms. Perez said these last two go together and tie into what had been said about being proactive about having municipal housing development occur. This has to be addressed in the Housing Production Plan through either an action map or something

similar. She noted it had been discussed that a lot of this land has restrictions or things that would prevent development such as lack of infrastructure, the size of the parcel, the location, proximity to wetlands, etc.

Ms. MacEachern noted that a previous Planning Board member, Ms. Barbara Mancovsky, had sent a list of ideas in relation to the Housing Production Plan based on what was in the previous one. She thought it would be helpful to forward that to Ms. Perez. Ms. MacEachern asked about receiving the survey results. Ms. Perez replied she thought she had sent a link where they could be accessed, but she would send it again. Members then discussed with Ms. Perez the reordering of the strategies before closing this agenda item. Ms. Perez advised they will aim to have a draft sometime end of February or early March. They will first present the text for the Board to read and will go back with any edits they may have. They will then lay it out into a graphically designed layout and the Board will review it and recommend it to the Select Board. If everyone is good with it, they bring it to DHCD and ask them if they have any edits. That can freeze the process, so they will see how long that takes. It will then come back down to everyone and can be adopted. Proof has to be furnished to DHCD, but then they will be set for another five years.

#### **MBTA Communities Program Discussion – Taylor Perez of SRPEDD**

Mr. Resnick said he had asked Ms. Perez what resources were available for the Town to do the required elements to comply with the MBTA program. Before zoning is adopted, you have to do a preliminary analysis. Mass Housing Partnership (MHP) had put out a request to communities for assistance in the fall, primarily to the MBTA higher level communities. Some of the communities had dropped out, so there was extra funding available. He submitted an application that was approved pending the approval of a scope of services that SRPEDD is going to submit to Mass Housing Partnership. They will then work through those efforts toward a zoning bylaw that would allow them to comply by the end of the fiscal year July 1, 2023, which is the project timeline. Ms. Perez noted that the Town has until 2025 to comply.

Ms. Perez advised that she and Mr. Resnick, as well as her colleague Robert Cabral, will be meeting with Katie Lacy from MHP to discuss the scope of work. She understood that this is MHP's initial round of technical assistance, and that there is a lot of funding to assist communities with compliance. In this early phase, they are looking to examine the existing 40R for its potential compliance under Section 3A. She would then get back to the Board in approximately June or July. Mr. Knox clarified at that point they will then decide if they need to amend something, or if they even want to amend something. Ms. Perez added that as Lakeville is now a small adjacent community, they have until 2025 to comply. She advised they could also go to the SRPEDD website for additional information and webinars that looked at what housing at different densities looks like.

### Approve Meeting Minutes

Mr. Knox made a motion, seconded by Mr. Lynch, to approve the Minutes from the November 10, 2022, meeting. The **vote** was **unanimous for**.

### Next meeting

The next meeting is scheduled for January 26, 2023, at 7:00 p.m. at the Lakeville Police Station.

### Correspondence

Mr. Resnick said they received a MEPA notice that a warehouse is proposed at 27 Harding Street in Middleborough. That in person visit would be on January 19<sup>th</sup>. Comments are due on January 21, 2023. He also distributed an article regarding the trend on warehouses.

### Adjourn

Mr. Knox made a motion, seconded by Ms. Cline, to adjourn the meeting. The **vote** was **unanimous for**.

Meeting adjourned at 8:32.