Foxborough Housing Production Plan

Funding provided by the South Coast Rail Technical Assistance Program

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The South Coast Rail project, funded by MassDOT and managed cooperatively by the Executive Office of Transportation and the Massachusetts Bay Transportation Authority, aims to restore passenger rail transportation from South Station in Boston to the South Coast of Massachusetts, catalyzing nearly half a billion dollars in economic development every year. Through the SCR Technical Assistance Program, MAPC is working with MassDOT, EOHED and their consultants to facilitate implementation of the SCR Economic and Land Use Corridor Plan for several communities including Foxborough.

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Executive Summary

Housing Production Plans provide a guide for communities to ensure affordable housing is preserved, created, and maintained. Foxborough has long strived to reach its 10 percent fair share of year-round affordable housing. 8.6% or 590 of the Town's 6,853 year-round housing units are affordable and listed on the state's Subsidized Housing Inventory. 480 of those units are affordable in perpetuity.

The town of Foxborough Housing Production Plan was produced over a six-month period in 2012 with assistance provided by the Metropolitan Area Planning Council, Town of Foxborough Planning Board, and the Town Planner. Input was provided by the directors of the Council on Aging and Foxborough Housing Authority. The Plan complies with the Massachusetts Department of Housing and Community Development regulation 760 CMR 56.03(4).

The Foxborough Planning Board hosted two public meetings on the Plan in February and April. The first meeting included a presentation on the town's existing housing conditions and an analysis of current housing needs and future demand. Meeting participants also discussed housing opportunities, challenges and assets as well as potential opportunities for housing in town and barriers t to developing housing in the town. At the second meeting, the Planning Board guided a discussion about potential sites for affordable housing.

This plan identifies potential sites for new affordable housing unit growth, many of the locations are along Route 1 and in and around the Town Center. This growth plan follows the Foxborough Economic Development Master Plan Growth Nodes scenario.

Foxborough renters and owners are facing housing constraints. Lower-income renter and owner households are facing great cost burdens in Foxborough; owners are facing this burden more significantly.

In order to accommodate new housing growth, the plan relies upon the creation of a dedicated group of Trustees serving on an Affordable Housing Trust Fund, zoning tools that increase affordability and incentivize growth, and prioritization and advancement of the development of key sites identified for new affordable housing. The plan provides a guide to funding for affordable housing and an explanation of housing programs for veterans, seniors, and people with disabilities. Additional sewer capacity is also needed to guide growth.

This project was funded by the Commonwealth of Massachusetts Department of Transportation (DOT) and the Executive Office of Housing and Economic Development South Coast Rail Planning Grant program. The final plan was presented at a joint Board of Selectmen and Planning Board meeting in June for approval prior to submittal to the MA Department of Housing and Community Development.

I. Introduction

This Plan was prepared to comply with the Massachusetts Department of Housing and Community Development's regulation 760 CMR 56.03(4), Housing Production Plans. The Plan was developed with input from a visioning session and two public meetings with the Foxborough Planning Board as a part of the Planning Board's process of updating the Foxborough Master Plan.

Overview of Housing Production Plans

Housing Production Plans (HPPs) give municipalities– that are under the 10 percent threshold of Chapter 40B, but are making steady progress in producing affordable housing on an annual basis – more control over comprehensive permit applications for a specified period of time. This control allows these municipalities to manage the growth and meet their affordable housing needs. The revised 760 CMR 56.03(4) HPP regulation became effective on February 22, 2008 when the Department of Housing and Community Development (DHCD) promulgated 760 CMR 56.00 replacing the September 2003 Planned Production Program under 760 CMR 31.07(1)(i).

HPPs prepared by communities are submitted for review and approval by DHCD. Communities with approved HPPs may request DHCD certification of their compliance with the approved plans if they have increased the number of affordable housing units in their municipality. Municipalities may be certified for one (0.5 percent production level) or two (1 percent production goal) years if they have created sufficient affordable housing. In a municipality with a DHCD certified HPP, a decision of a Zoning Board of Appeals (ZBA) to deny or approve with conditions a Comprehensive Permit application will be deemed "Consistent with Local Needs" pursuant to M.G.L. Chapter 40B. Based on past practices, such decisions will often be upheld by the Housing Appeal Committee (HAC).

Establishment of an Annual Goal for Affordable Housing Production

HPPs set target goals for annual housing production, which municipalities endeavor to meet by increasing their Subsidized Housing Inventory (SHI). This typically involves municipalities increasing unit production by a minimum of 0.5 percent of their total units per day over the length of the plan's prescribed timeframe. This consistent increase in SHI is included in The Plan Update until the municipality's overall SHI exceeds the Statutory minimum set forth in 760 CMR 56.03 (3)(a). For Foxborough, the 0.5 target is 34 SHI units per year. Municipalities can also work to produce at a 1% target for a longer reprieve.

Comment on Certification: In the event that a community achieves certification within 15 days from the opening of a Comprehensive Permit Hearing (i.e., the annual numeric SHI units goal has been achieved), and the Comprehensive Permit is denied, the ZBA shall provide written notice to the Applicant, with a copy to DHCD, that it considers a denial of the permit or the imposition of its conditions or requirements to be Consistent with Local Needs, and must supply factual documentation that will justify the grounds for its denial. If the Applicant wishes to challenge the ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days."

II. Inventory/Supply and Demand

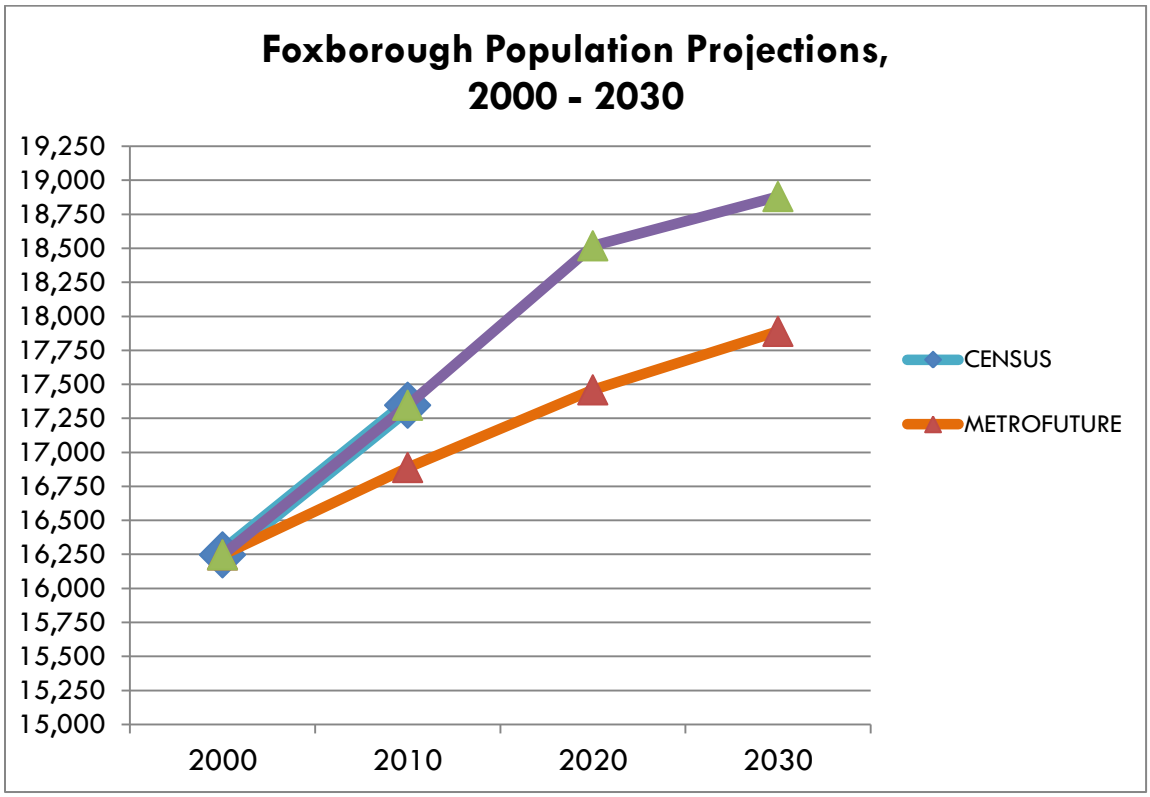
Population – Key Findings

Foxborough is a mid-sized community with a population of 16,865 according to Census 2010 figures. The town's population has grown slowly since 2000, and has added roughly 1,100 residents. According to MAPC's MetroFuture Regional Plan projections, the town's population is projected to grow at a very slow rate of less than 1,000 residents per decade between now and 2030. However population change between 2000 and 2010 indicates that current growth has significantly exceeded these projections. The alternate Current Trends projections suggest that the population will continue to grow by roughly 1,000 residents per decade. Please refer to Table1 and Figure 1 for more information.

Table 1: Total Population Change, Census vs. Projections

	2000	2010	2020	2030
CENSUS	16,246	17,346		
METROFUTURE	16246	16,888	17,459	17,889
CURRENT TRENDS	16,246	17,346	18,518	1,8880

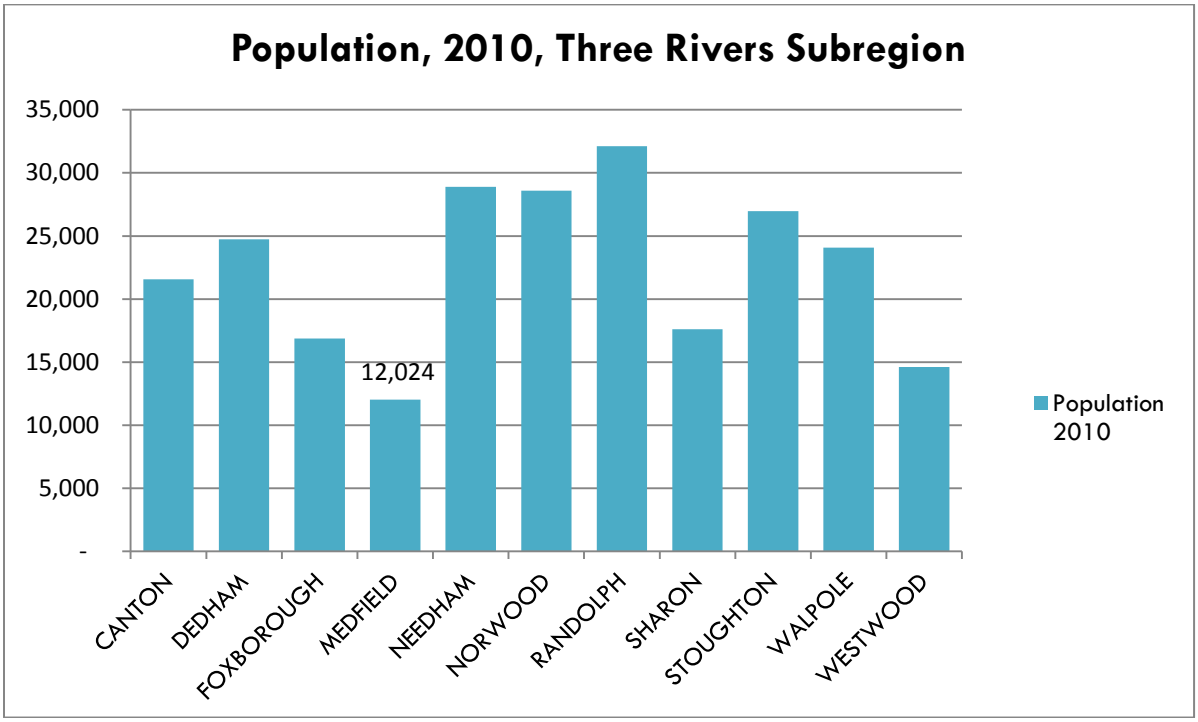
Figure 1: Foxborough Population Projections, MetroFuture vs. Current Trends



Foxborough is characterized as a developing suburb using the MAPC typology of the region's community types. Approximately 30 out of the 101 municipalities in the MAPC region are characterized as a developing suburb, which is defined as a less-developed town with a large expanse of vacant, developable land, and typically a well-defined, mixed use town center.

Foxborough is also a member of the twelve-community Three Rivers Interlocal Council[1] subregion (also known as Three Rivers or TRIC). Each municipality in the MAPC region belongs to one of eight subregions. Each subregion is led by one MAPC staff member and includes municipal officials and regional and community stakeholders, all of whom work together to develop an annual work plan and priorities. The grouping of municipalities in each subregion was determined by communities themselves when the subregions formed, with some input from MAPC. When compared with neighboring communities in the Three Rivers subregion, Foxborough is a mid-sized community with a smaller share of the subregion's population. Please refer to Figure 2.

Figure 2: Foxborough 2010 Population vs. Three Rivers subregion



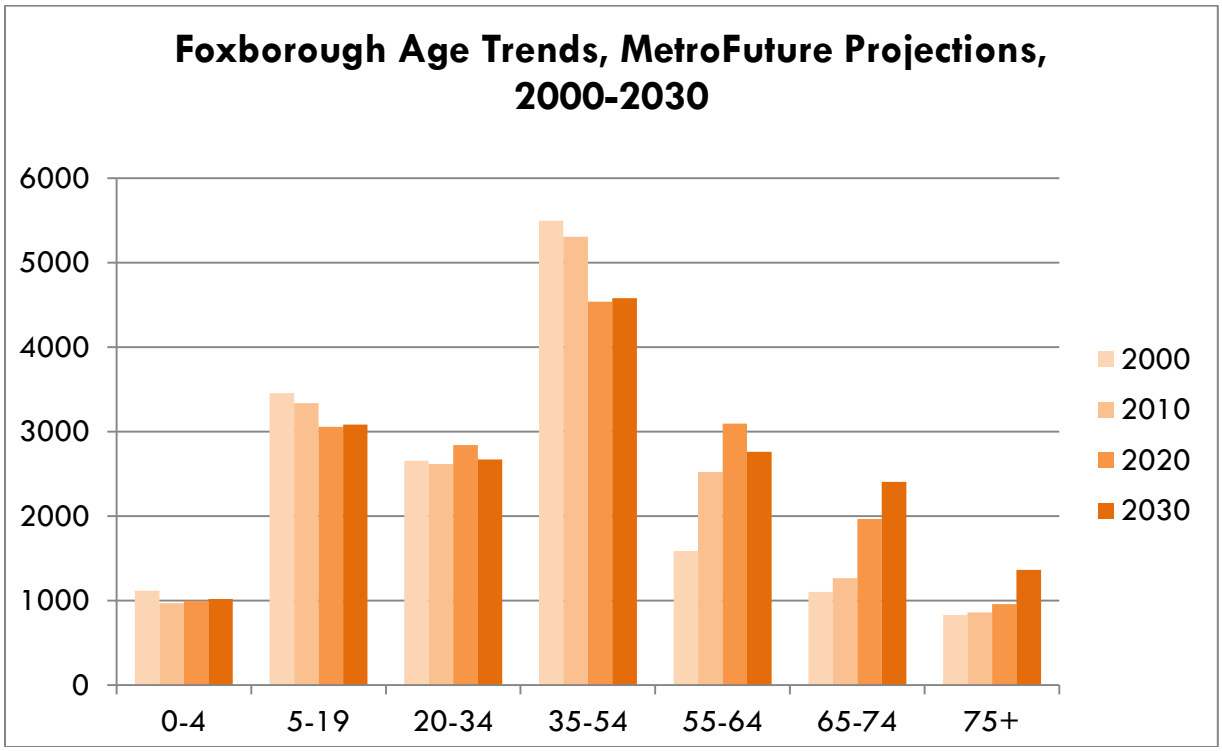
The age profile of the Town is projected to change in the coming decades. According to MetroFuture projections for the 2000-2030 period, the school age, young professionals, and middle-age populations (54 and under) are projected to decline by almost 2,000. The 55+ population is

[1] Many of the preceding tables contrast Foxborough to neighboring communities in the Three Rivers subregion. These comparisons are not intended to represent an analysis of communities with comparable markets, but to simply to illustrate how Foxborough compares to the other communities in its subregion. A Three Rivers subregion average is provided in some data tables; please note that data from the communities of Dover and Milton, which officially have dual membership in TRIC and neighboring subregions, is included in the subregion average.

projected to grow significantly by just over 3,000, with the 65+ population projected to grow the most.

These changes will decrease the number of family households and significantly increase the number of non-family households, likely increasing the demand for smaller housing units, attached housing, and multi-family units as older residents may prefer to live in smaller units which will lower associated costs and maintenance responsibilities. The average household size has also decreased slightly between 2000 and 2010; the average household size in 2010 was 2.59, down from 2.63 in 2000. This average household size is on par with the average household size in other Three Rivers subregion towns. Please refer to Figure 3, Figure 4, and Table 2 for more information. Foxborough has also grown significantly more diverse since the 2000 Census, with the most growth seen in the Asian or Pacific Islander population, followed by growth in the Black/African American population. Foxborough also saw a decline in the white population. Despite this change, Foxborough's white population is still a much larger share of the total population when compared with the Three Rivers subregion and MAPC region. Please refer to Figure 5 and Table 3 for more information.

Figure 3: Foxborough Age Trends



Source: MAPC MetroFuture Projections, 2000-2030

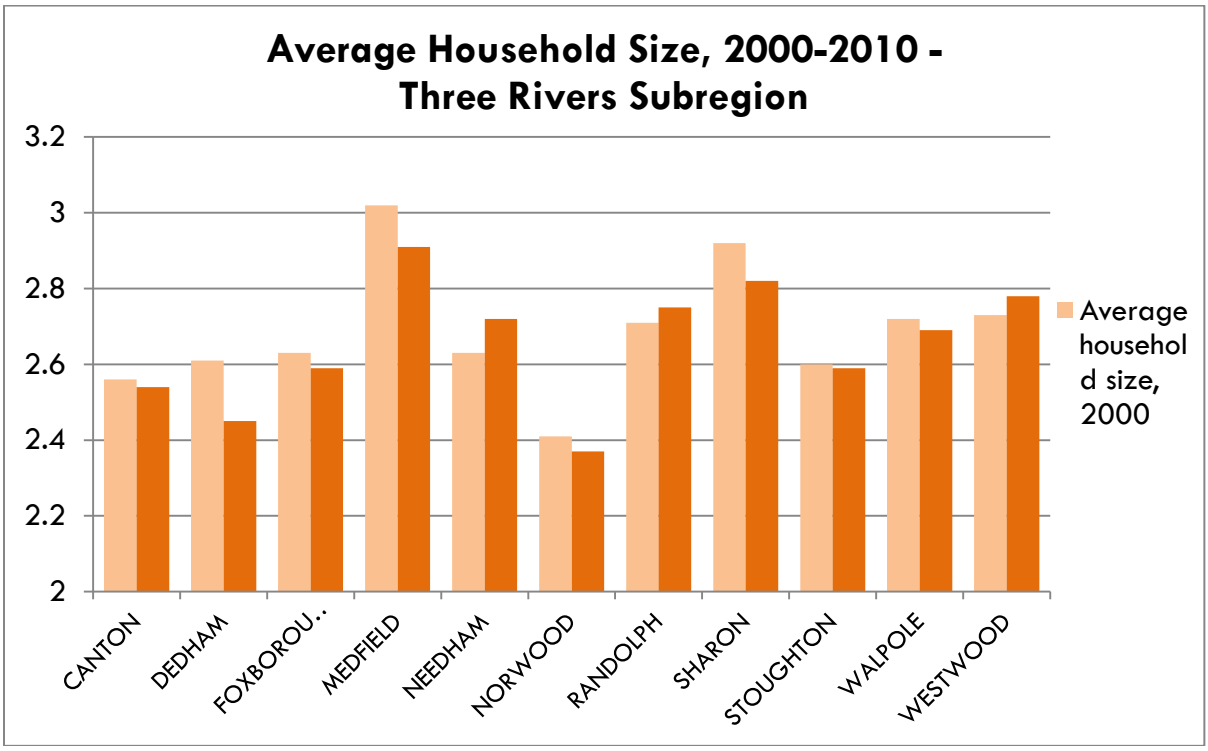
Table 2: Foxborough Population by Age Group - MetroFuture Projections

Age Range	2000	2010	2020	2030	% Change, 2000-2030
0-4	1118	972	999	1021	-97
5-19	3454	3337	3058	3083	-371
20-34	2657	2620	2841	2672	15

Age Range	2000	2010	2020	2030	% Change, 2000-2030
35-54	5495	5305	4538	4579	-916
55-64	1589	2525	3097	2761	1172
65-74	1102	1268	1965	2408	1306
75+	831	861	960	1367	536

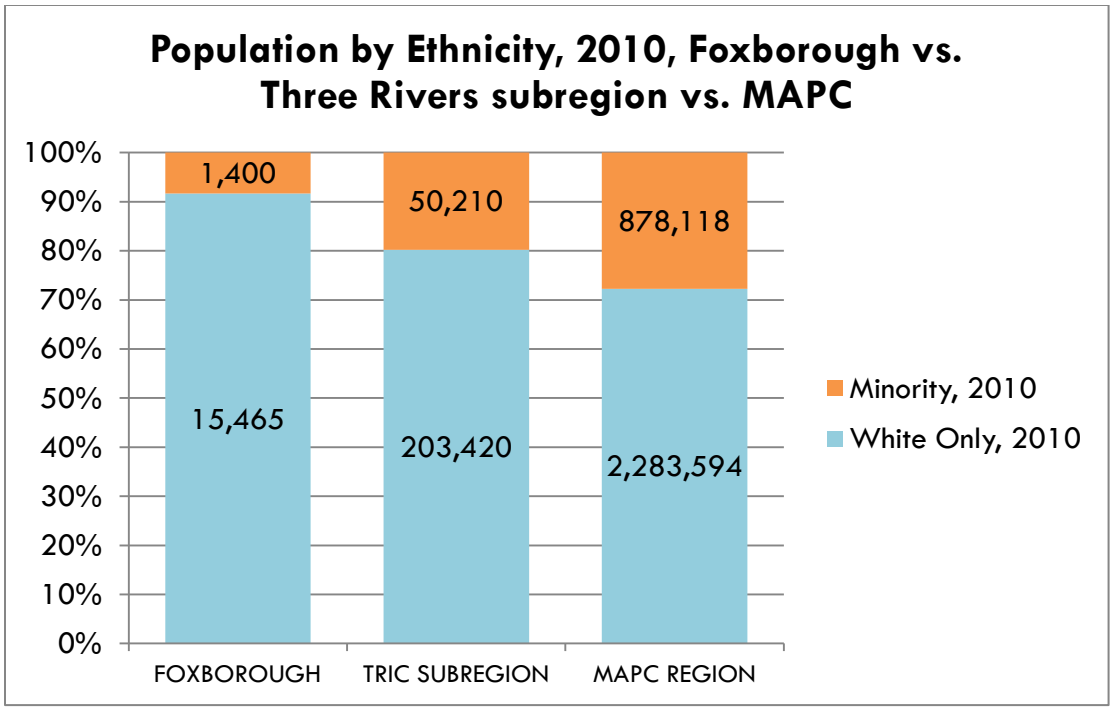
Source: MAPC MetroFuture Projections, 2000-2030

Figure 4: Average Household Size, Three Rivers Subregion, 2000-2010



Source: Census 2000 and 2010

Figure 5: Foxborough Population by Ethnicity vs. Three Rivers subregion vs. MAPC region



Source: Census 2010

Table 3: Foxborough Population by Ethnicity, 2000-2010 change

	2000 Population	2010 Population	Change
White Alone	15,659	15,465	-194
Black/African American Alone	114	307	193
Native American/ Alaskan Native Alone	17	25	8
Asian or Pacific Islander Alone	201	543	342
Latino	172	309	137
Other Race Alone	8	43	35
Two or More Races	75	173	98

Source: Census 2000 and 2010

A look at the population enrolled in the Foxborough School District over a ten-year period also indicates shifts in families with school-age children and the changing needs of the student population. Between 2002 and 2012, the percentage of low-income students steadily increased to a high of 13.3% in the 2011-2012 year.

May 2012 available data on school district enrollment over a ten-year period – 2002-2012 – indicated that Foxborough's total public school population from pre-K to grade 12 has been declining since 2008. During the earlier part of the 2000s, the school population grew between 1 and 2

percent each year. While the population has been declining, the district has also seen a small but steady increase in the percentage of students whose first language is not English as well as a small but steady increase in the percentage of students who have limited English proficiency. According to 2010 estimates, among youth aged 5-17, those who speak a language other than English tend to speak, in order of prominence, an Indo-European language, Spanish or Spanish Creole, or other languages not specified. Asian or Pacific Islander languages are the least common.

Between 2002 and 2012, the percentage of low-income students who qualify for free or reduced-price lunch, i.e., students from households meeting federal low-income eligibility guidelines, increased significantly. With the exception of the 2003-2004 year, the percentage of low-income students steadily increased over the ten-year period to a high of 13.3% in the 2011-2012 year.

Table 4: Foxborough School District Enrollment, 2002-2012: Select Characteristics

Year	total enrolled	% Change from Previous Year	% First Language not English	% Limited English Proficient	% Low-income (Eligible for Free or Reduced Price Lunch)
2011-2012	2777	-2.1%	0.6%	0.2%	13.3%
2010-2011	2836	-1.1%	0.8%	0.4%	11.4%
2009-2010	2867	-1.9%	1.1%	0.5%	10.5%
2008-2009	2922	-0.4%	1.3%	1%	9.3%
2007-2008	2933	0.3%	0.8%	0.3%	8.8%
2006-2007	2924	-2.2%	0.8%	0.5%	7%
2005-2006	2991	1.6%	0.8%	0.6%	8%
2004-2005	2943	1.9%	0.7%	0.4%	6.7%
2003-2004	2887	1.3%	0.5%	0%	5.7%
2002-2003	2850	0.5%	0.5%	0%	6.7%

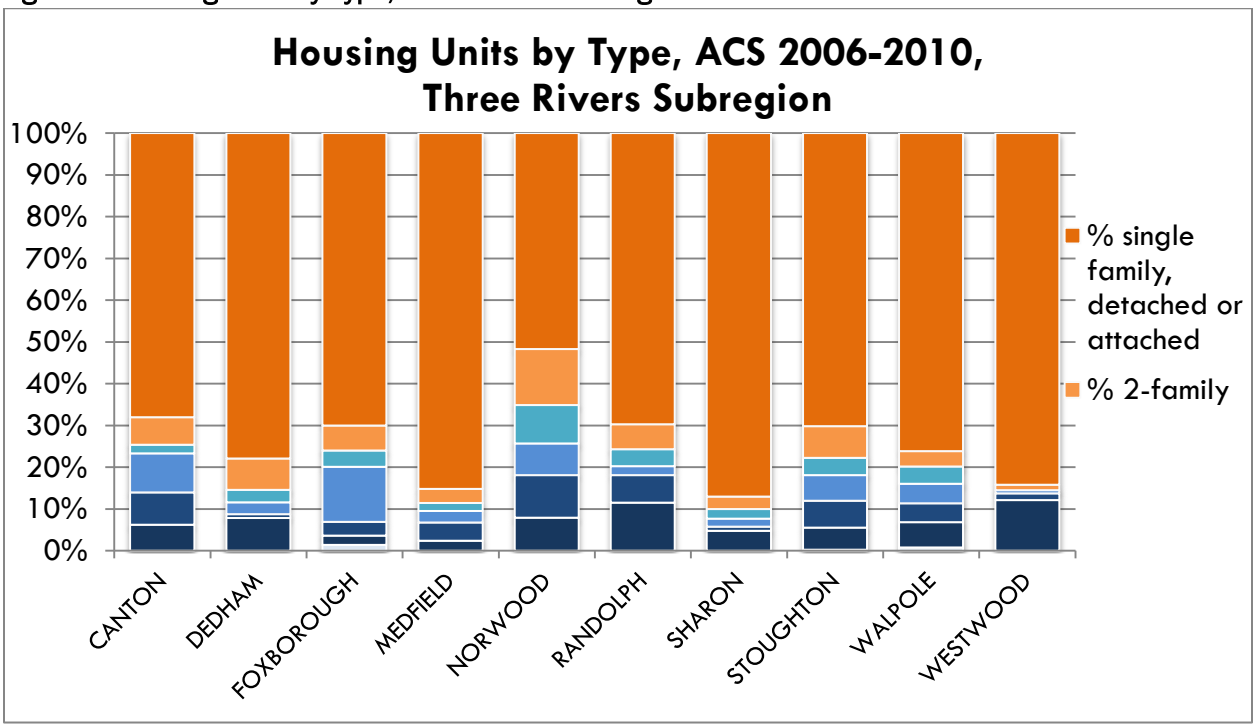
Source: Massachusetts Department of Education School District Profiles, 2002-2012

Existing Housing Stock – Key Findings

The following section provides a snapshot of Foxborough's housing stock, examining structures by number of units, buildings and units permitted, occupancy by tenure, median sales prices, annual sales, foreclosures, and the town's Subsidized Housing Inventory.

Housing stock by type: Foxborough's housing stock is composed primarily of single family housing units (detached or attached). The second most common type of housing in town is structures with 5-9 units, which is likely due to the construction of several new developments that were permitted in 2008. The third most common type of housing is structures with 3-4 units and the least common type is structures with 10 or more units. The housing types in Foxborough are consistent with the housing stock of many surrounding communities. Single family homes are the most dominant housing unit type in the Three Rivers subregion. There are only a few communities in the subregion with more significant percentages of multi-family housing of 10+ units or more.

Figure 6: Housing Units by Type, Three Rivers Subregion



Source: American Community Survey, 2006-2010 estimates

Buildings and units permitted: Over the last decade from 2000 to 2011, Foxborough has issued a total of 384 building permits for new housing structures. Of the 384 permits issued, 360 were for single-family structures, eight were for structures with 2-4 family units, and 16 were for structures with five family units. When we look at actual housing units added to Foxborough's housing stock between 2000 and 2010, we see that Foxborough added a total of 642 housing units, of which 346 were single-family structures, 286 were dwellings in structures with 5+ units, and 10 were in structured with 2-4 units. Based on this data, Foxborough's housing production over the last decade appears to represent the median level of housing production in the Three Rivers subregion.

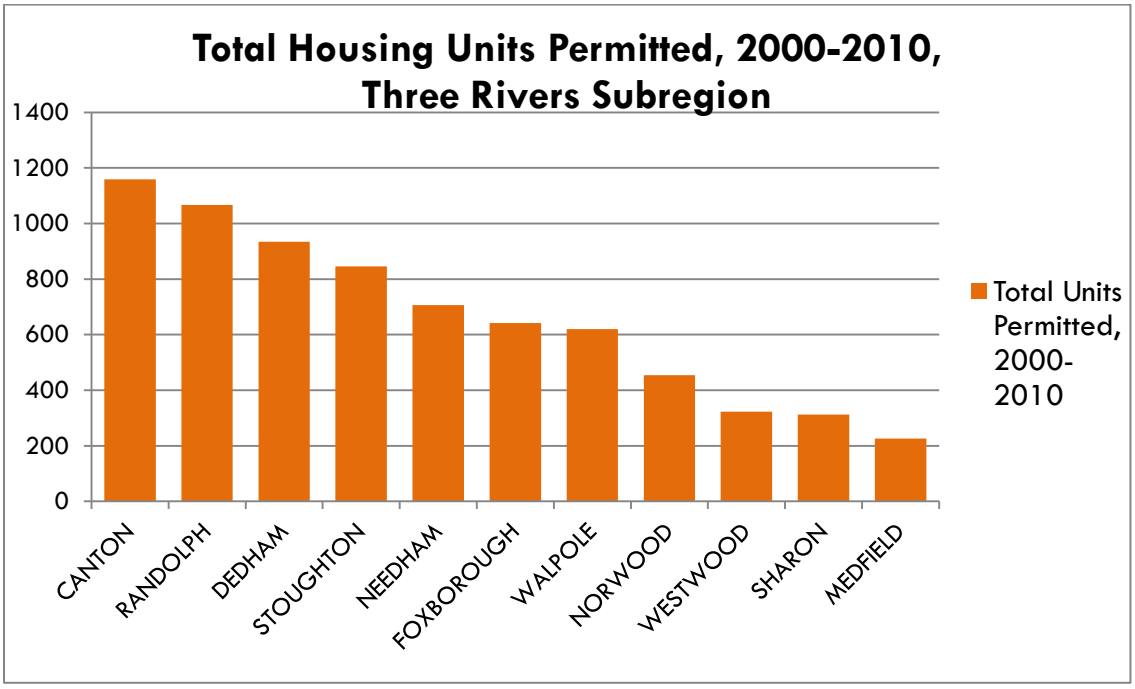
Table 5: Foxborough Building Permits, 2000-2010

Year	Total Building Permits	Single Family	2-4 Family Units	5+ Family Housing Units
2000	44	44	0	0
2001	28	28	0	0
2002	34	33	0	1
2003	39	36	3	0
2004	33	28	1	4
2005	29	29	0	0
2006	63	63	0	0
2007	23	23	0	0
2008	28	17	1	10

Year	Total Building Permits	Single Family	2-4 Family Units	5+ Family Housing Units
2009	24	24	0	0
2010	21	21	0	0
2011	18	14	3	1
Totals		360	8	16

Source: Census Bureau Building Permits Survey

Figure 7: Total Housing Units Permitted, Three Rivers Subregion, 2000-2010

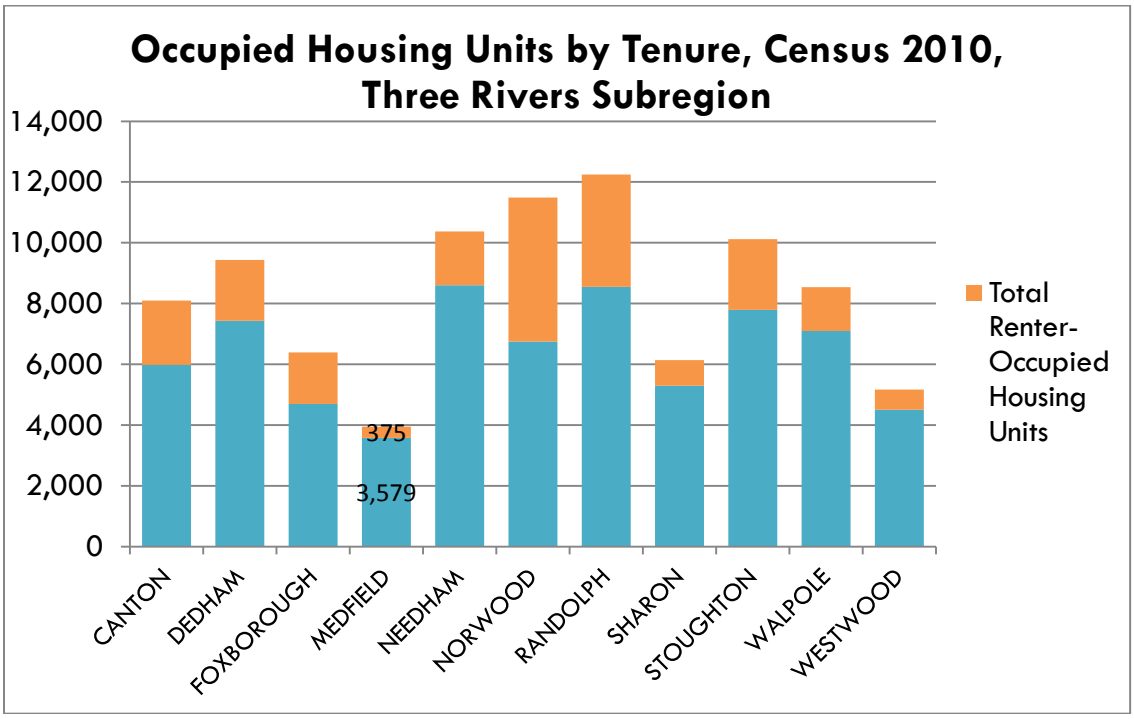


Source: Census 2000 and 2010

Occupancy by tenure: When we look at unit occupancy, we see that Foxborough's housing stock is largely occupied by owners; 4,694 units are owner-occupied, and the remaining 1,701 occupied units are renter-occupied. When we look more closely at occupied households [2]according to family and non-family status, we see that 69 percent of households are family households, and 31 percent are occupied by non-family households. This is on par with trends in the region, where non-family households are continuing to rise and more adults live alone.

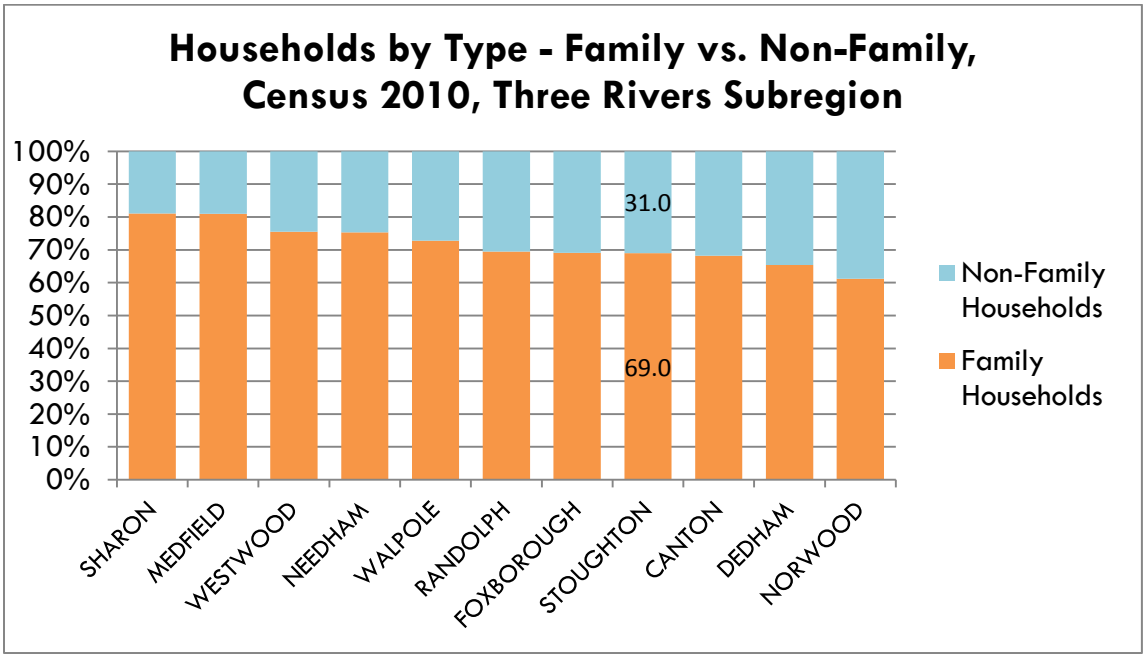
[2] The Census defines households by family. A family household is composed of at least two persons related by birth, marriage, or adoption. A nonfamily household is either a person living alone or a householder who is not related to any of the other persons sharing their home.

Figure 8: Occupied Housing Units by Tenure, 2010



Source: Census 2010

Figure 9: Households by Type, Family vs. Non-Family, Three Rivers Subregion

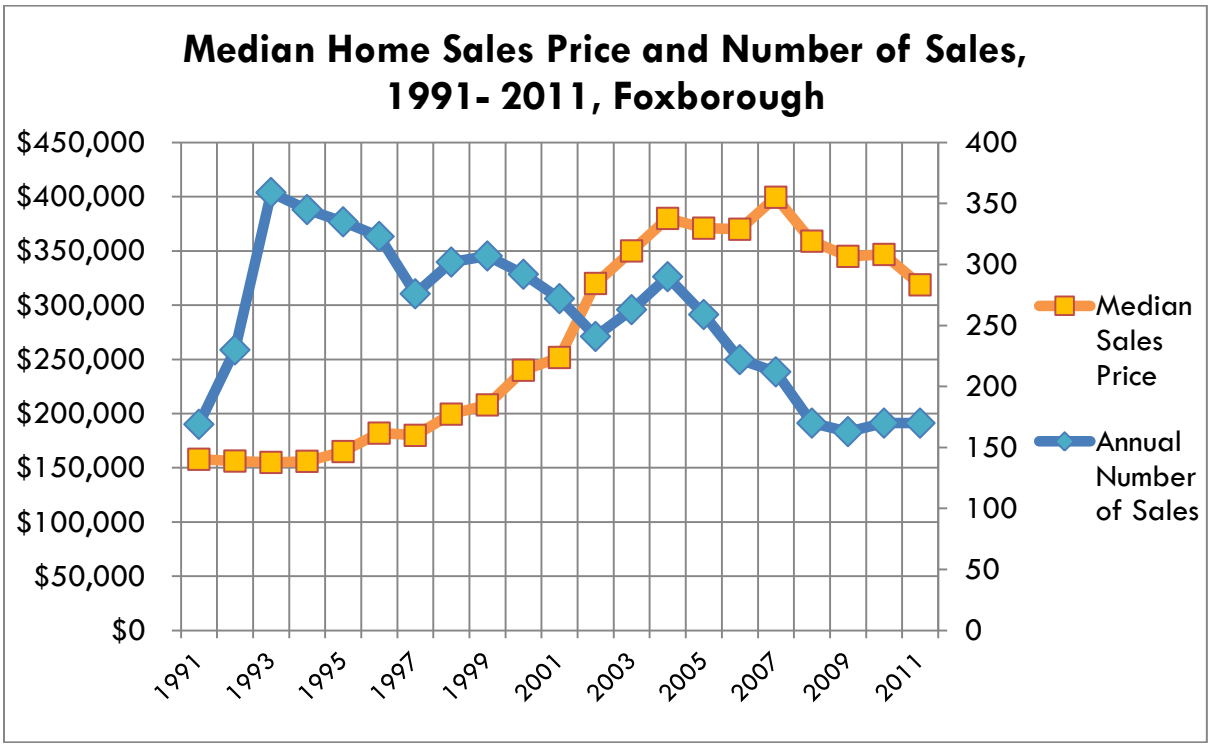


Source: Census 2010

Median sales prices and total annual sales: During the two-decades from 1991-2011, the median sales price of homes in Foxborough was at an all-time high of $399,500. Between 2007 and 2011, median prices fell dramatically. The annual number of sales was at its highest in the mid 1990's, and from 2007 to 2011, annual housing sales dropped back to '91 levels.

Annual sales in Foxborough are steadying since the recession of the late 2000s, while median sales prices continue to drag and may take more time to stabilize. When we compare Foxborough median sales prices for single families and condos to the Three Rivers subregion, we see that sales prices in Foxborough are in line with that of neighboring communities, with Foxborough again falling in the middle.

Figure 10: Foxborough Median Home Sales Price and Number of Sales, 1991-2011



Source: Town Stats, The Warren Group, publisher of Banker and Tradesman

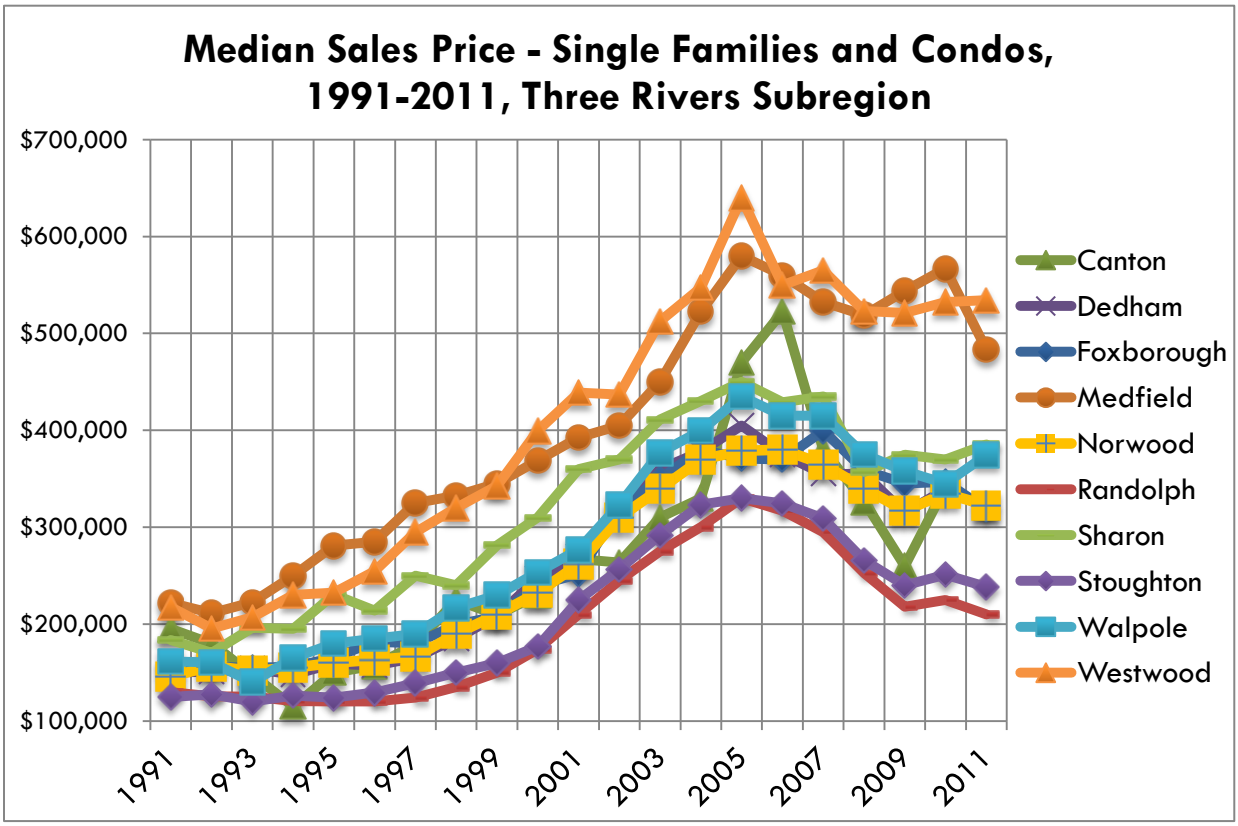
Table 6: Foxborough Median Home Sales Price and Number of Sales, 1991-2011

Year	Median Sales Price	Annual Number of Sales
1991	$157,900	169
1992	$156,250	230
1993	$155,000	359
1994	$156,000	345
1995	$165,000	335
1996	$182,000	323

Year	Median Sales Price	Annual Number of Sales
1997	$179,950	276
1998	$199,500	302
1999	$208,000	307
2000	$240,000	292
2001	$251,750	272
2002	$320,000	241
2003	$350,000	263
2004	$380,000	290
2005	$371,000	259
2006	$370,000	222
2007	$399,500	212
2008	$359,000	170
2009	$345,000	163
2010	$346,750	170
2011	$318,750	170

Source: The Warren Group TownStats

Figure 11: Median Home Sales Price, Three Rivers Subregion

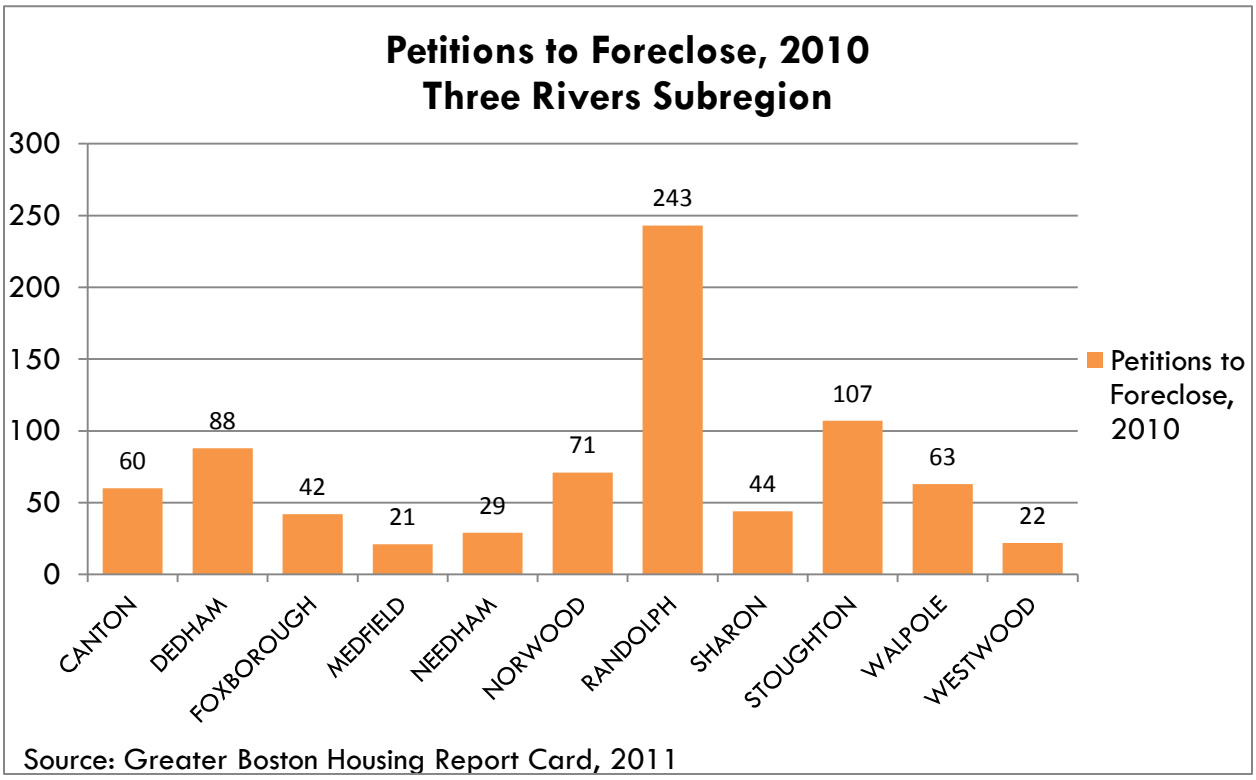


Source: Town Stats, The Warren Group, publisher of Banker and Tradesman

Foreclosures

There were 42 petitions to foreclose on housing units in Foxborough in 2010. This is significant for a number of reasons, but most notably for its impact on household displacement. That is, as homes become foreclosed, households are forced to relocate, often increasing demand for affordable housing options. While the units themselves might present an opportunity for new development, there are often significant unintended consequences to a foreclosed unit in a neighborhood.

Figure 12: Petitions to Foreclose in the Town of Foxborough, 2010



Current M.G.L. Chapter 40B Subsidized Housing Inventory

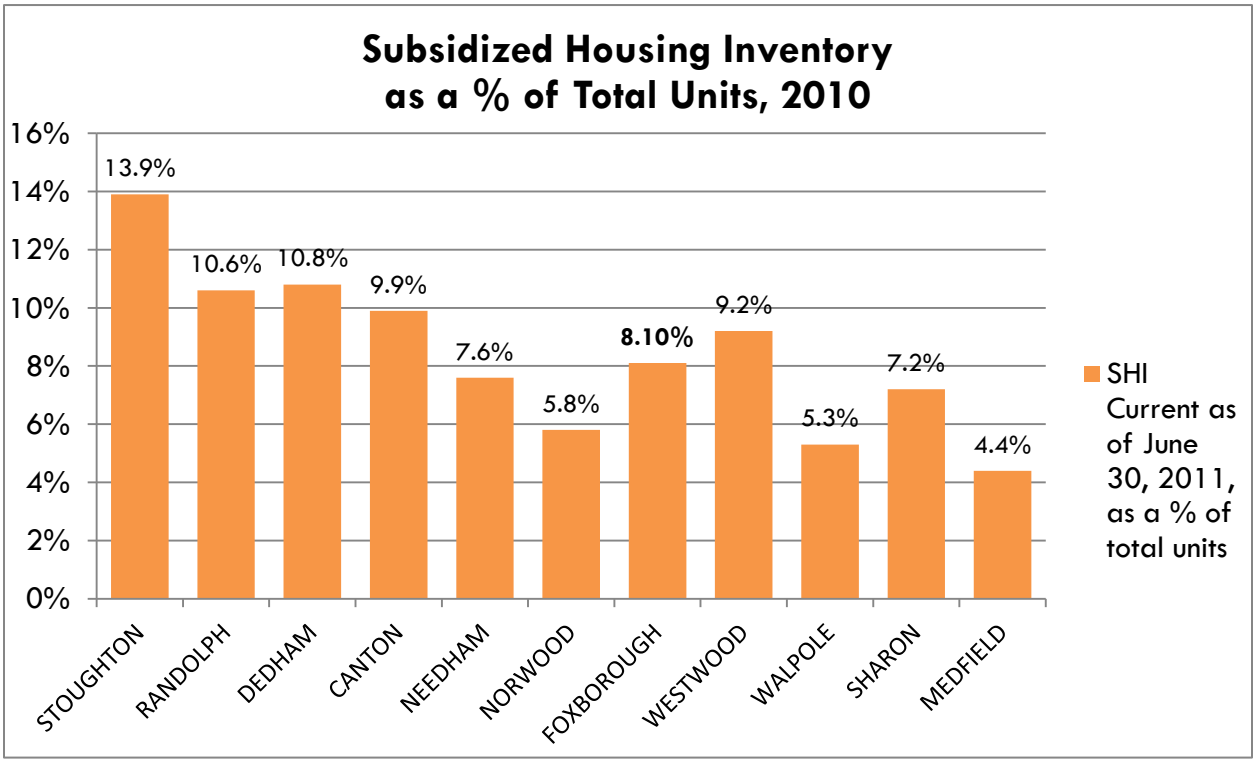
For the purposes of creating a Housing Production Plan, affordable housing has a specific definition by law. That definition is as follows:

"Low or Moderate Income Housing – means any units of housing for which a Subsidizing Agency provides a Subsidy under any program to assist the construction or substantial rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute or regulation, whether built or operated by any public agency or non-profit or Limited Dividend Organization. If the applicable statute or regulation of the Subsidizing Agency does not define low or moderate income housing, then it shall be defined as units of housing whose occupancy is restricted to an Income Eligible Household."[3]

[3] MA DHCD Comprehensive Permit Guidelines, Introduction, July 30, 2008.

Foxborough's subsidized housing inventory (SHI) as a percent of total housing units was 8.1% as of the 2010 Census; the SHI of other communities in the Three Rivers subregion ranged from a low of .9 percent to a high of 13.9 percent, placing Foxborough roughly in the middle when we consider SHI as a percent of total housing units. As of March 29, 2012, Foxborough's SHI has risen to 8.6% with a total of 590 affordable units, of which 480 (81 percent) are affordable in perpetuity. This is below the 10 percent of the total Census 2010 housing stock, the threshold needed to be exempt from the Chapter 40B comprehensive permit process.

Figure 13: Subsidized Housing Inventory in Three Rivers Subregion – June 30, 2011



Source: Department of Housing and Community Development, 2012

Table 7: Chapter 40B Subsidized Housing Inventory as of March 29, 2012

Foxborough SHI as of March 29, 2012:	590
Census 2010 Year Round Housing Units	6,853
% of Year Round Units that are Subsidized:	8.61%
Number of units affordable in perpetuity:	480
Number of units at risk of expiring:	64
N/A - group home[4]	46

III. Housing Needs Analysis

[4] Affordability expiration is N/A for 46 rental units managed by DDS Group Homes.

The Housing Needs Analysis is organized into three sections: the community profile analyzes demographic information about Foxborough's current and projected population, income, and educational attainment. The next section analyzes Foxborough's housing characteristics, including age and ownership of existing housing, home sales activity, and housing values. The last section examines the housing affordability gap.

Community Profile – Key Findings

Population

As previously noted in Section II, the school age, young professionals, and 35-54 segments of the population are projected to decline over the next three decades. The 55+ population is projected to grow significantly by just over 3,000, with the 65+ population projected to grow the most. The projections also indicate that as the adult population matures and children age, the 55-64 population will grow by 42 percent and the 65+ population will also grow significantly by 49 percent.

This trend has important implications for the type of housing available and its attendant costs, particularly for elderly residents. This growth, combined with the decrease in the number of families with school-age children will result in a smaller average household size, and there will also be increasing demand for accessible, senior housing.

Table 8: Current and Projected Population in Foxborough, 2000-2030

Age Range	2000		2010		2020	2030		% Change 2000-2030		Proj. % Change 2000-2030
	#	%	#	%	#	%	#	%	#	%
0-4	1118	6.9%	972	5.8%	999	5.7%	1021	5.7%	-97	-9.5
5-19	3454	21.3%	3337	19.8%	3058	17.5%	3083	17.2%	-371	-12
20-34	2657	16.4%	2620	15.5%	2841	16.3%	2672	14.9%	15	.6
35-54	5495	33.8%	5305	31.4%	4538	26.0%	4579	25.6%	-916	-20
55-64	1589	9.8%	2525	15.0%	3097	17.7%	2761	15.4%	1172	42.4
65+	1933	11.9%	2129	12.6%	2925	16.8%	3775	21.1%	1842	48.8
Total Pop.	16246		16888		17458		17891			

Source: MAPC MetroFuture Projections

Household Type

As previously noted in Section II, between 2000 and 2010, the majority of building permits were issued for single-family structures. In addition, 2010 estimates of Foxborough households by type indicate that 69 percent are family households and 31 percent are non-family households, and the 55+ population is projected to increase significantly. Taken as a whole, these changes have major implications for housing types accessible and affordable to families and senior populations.

The table below provides a snapshot of housing type and unit projections between 2000 and 2030 according to Current Trends projections and MetroFuture projections. Whereas current trends would project a major increase in single family housing units and in apartments and condo buildings over the three-decade period, the MetroFuture development scenario projects half as many units in single-family structures. The MetroFuture forecasts greater numbers of units built in multifamily homes, townhouses, accessory apartments or adaptive reuse units. A significant portion of unit development is also projected to occur on previously developed land.

Table 9: Household Type Projections, Current Trends vs. MetroFuture, 2000-2030

Foxborough	Current Trends	MetroFuture
Projected Population, 2030	*18,995*	*17,891*
Projected Housing Units, 2030	7,926	7,546
Projected Housing Unit Change, 2000 - 2030	1,785	1,405
Single Family Housing Units, 2000 - 2030	1,300	689
Units in Multifamily Homes or Townhouses, 2000 - 2030	142	327
Units in Apartment or Condo Buildings, 2000 - 2030	313	250
Accessory Apartments or Adaptive Reuse Units 2000 - 2030	31	139
Units on Previously Developed Land, 2000 - 2030	151	506
Units in Mixed Use Developments, 2000 - 2003	177	201
New Residential Development (acres), 2000 - 2030	5,493	4,164

Source: MAPC MetroFuture and Current Trends Projections

Household Income

The median household income for Foxborough in 2010 (2006-2010 estimates) was $65,081, up just 1.2 percent from the 2000 median household income of $64,323. Of the 6,395 households in Foxborough in 2010, 45 percent had incomes of $100,000 or more.

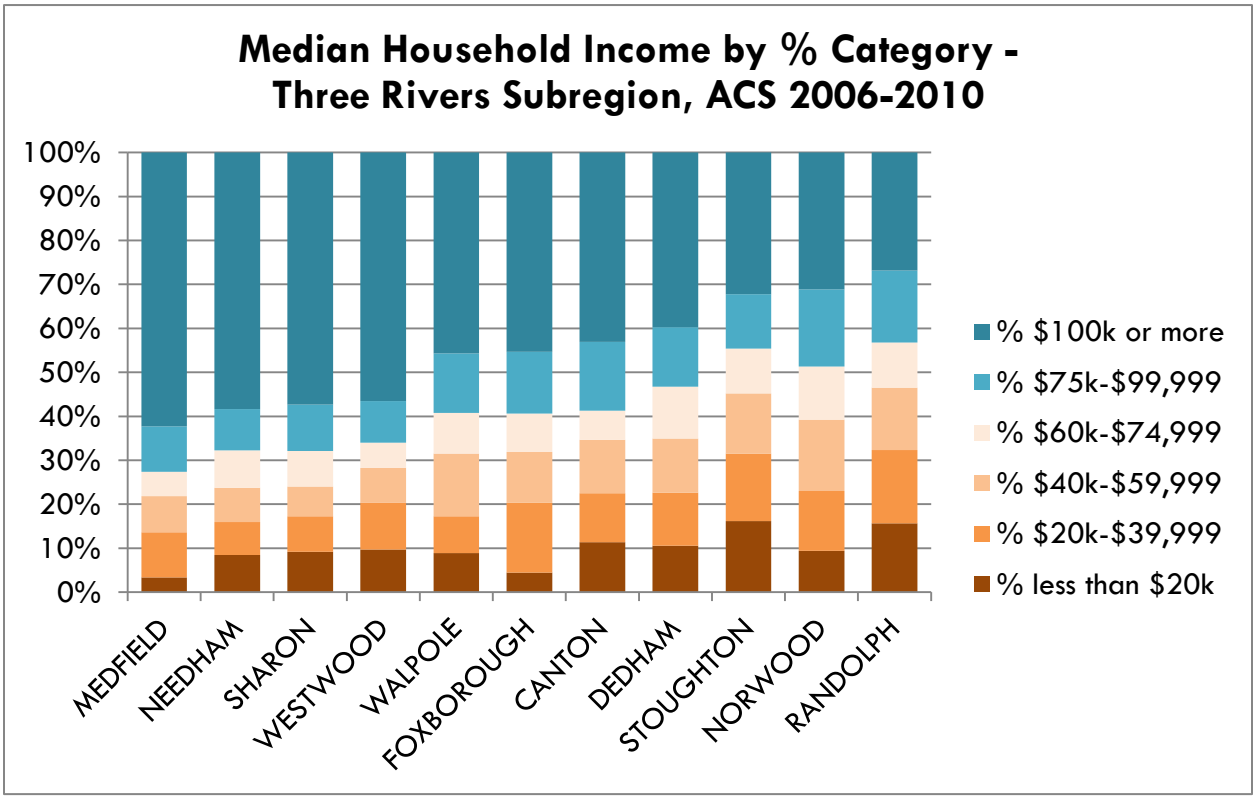
Table 10: Income Distribution by Households, 2000-2010

	2000		2010	
Income Category	#	% of Total	#	% of Total
less than $19,999	689	11.2%	282	4.4%
$20,000-$39,999	944	15.4%	1018	15.9%
$40,000-$59,999	1198	19.5%	741	11.6%
$60,000 to $74,999	723	11.8%	557	8.7%
$75,000 to $99,999	851	13.9%	900	14.1%
$100,000 or more	1738	28.3%	2897	45.3%
Median Household Income	$64,323		$65,081	
Total Households	6143		6395	

Source: 2000 Census and 2010 Census (income for the previous year is reported)

Foxborough's median household income is consistent with the household incomes of the other communities in the Three Rivers subregion. While there are not as many households earning at or less than $20,000 compared to other TRIC communities, there are a number of households earning between $20,000 and $39,999 and between $40,000 and $59,999. It is important to understand household income as it relates to what families might be able to afford to rent or purchase for housing and how much assistance a family might need.

Figure 14: Median Household Income by Category, Three Rivers Subregion



Source: American Community Survey 2006-2010 estimates

Poverty Status

The following table indicates the poverty status in the community. The number of individuals below poverty decreased in absolute numbers from 503 to 288 and as a percentage of the total population of individuals from 3.1 to 1.7 percent. The number of married couple families below poverty also decreased in absolute numbers from 50 to 0. However, the number of female-headed households below the poverty level increased significantly in absolute numbers and as a percentage of the total population of female-headed households. The number of female-headed households in poverty increased from 50 to 679, comprising 10 percent of the total population of female-headed households. The number of individuals aged 65 and over also increased in absolute numbers from 68 to 96, although comprising a smaller percentage of the total population of individuals aged 65 and over – 0.6 percent. This data underscores the need for affordable housing options for female-headed households and elderly individuals[5].

[5] For the purposes of this Plan, elderly refers to ages 65 and older based on U.S. Census criteria.

Table 11: Poverty Status, 2000-2010

	2000		2010	
	#	% of category	#	% of category
Individuals	503	3.1%	288	1.7%
Married Couple Families	50	1.4%	0	0.0%
Female-Headed Households	50	9.1%	679	10.0%
Individuals 65 and over	68	0.4%	96	0.6%

Source: Census 2010 and ACS 2006-2010

Educational Attainment

Foxborough exceeds both Norfolk County and the Commonwealth in the percentage of residents, Foxborough who have completed some college or who have completed a bachelor's degree or greater. The percentage of the population that has not graduated high school is also lower than both county and state figures. The trend of over 50% of the adult population obtaining post-secondary education also correlated with the increasing incomes in the community between 2000 and 2010, which showed a major increase in the percentage of households with incomes of $100,000 or more.

Table 12: Educational Attainment in Foxborough, Norfolk County, and State, 2010

	% High School Without Diploma	% Completed High School	% Completed Some College	% Completed Bachelors Degree or Greater
Foxborough	1.5	29.4	17.9	51.2
Norfolk County	2.8	27.1	14.8	55.3
State	4.9	33.2	16.0	45.9

Source: Census 2010

Housing Characteristics

The majority of housing units (57 percent) in Foxborough are in structures that were built between 1960 and 1999. In terms of occupancy by tenure, according to 2006-2010 estimates, 73 percent of occupied units are owner-occupied, and 27 percent are renter-occupied.

A review of structures built by unit type confirms that Foxborough built a wide range of housing types in the first half of the twentieth-century, but witnessed a marked increase in the construction of single-family housing beginning in the 1960s. This pattern of housing development places Foxborough in line with other developing suburban communities.

Table 13: Housing Stock Age by Housing Units by Tenure in Foxborough, 2006-2010 Estimates

Year Built	Age of Structure	Owner-Occupied Units	Renter-Occupied Units	Percent of Total Occupied Structures
Built 2000 to 2010:	2 - 12 years	274	70*	5.4%
Built 1980 to 1999:	13 - 32 years	1401	402	28.2%
Built 1960 to 1979:	33 - 52 years	1205	654	29.1%
Built 1940 to 1959:	53 - 72 years	982	219*	18.8%
Built 1939 or earlier:	73+ years	832	356	18.6%
Total Occupied Structures (est.):	6395	4694	1701	100.0%

Source: ACS 2006-2010 estimate. Note: Estimates are collected over a rolling period (2006-2010). Figures with high margins of error are noted with an asterisk.

Housing Sales Activity

The following two tables list single family and condominium median sales prices and the total number of annual sales for the two-decades between 1991 and 2011. The median sales price for single-family homes was at an all-time high of $399,900 in 2005. The median sales price for condominiums was at an all-time high of $342,500 in 2008. The greatest volumes of single-family sales occurred in the 1990s, with annual sales around 200 houses a year. The greatest volume of condominium sales occurred in the early 2000s, peaking in 2005 with the sale of 79 units.

Table 14: Median Sales Price, Foxborough
Median Sales Price – Calendar Year Jan - Dec

Year	One-Family	Condo	All
2011	$350,000	$250,000	$318,750
2010	$351,000	$233,079	$346,750
2009	$350,000	$195,000	$345,000
2008	$353,000	$342,500	$359,000
2007	$395,000	$256,000	$399,500
2006	$389,900	$239,500	$370,000
2005	$399,900	$185,000	$371,000
2004	$390,000	$250,000	$380,000
2003	$360,000	$175,000	$350,000
2002	$335,000	$210,753	$320,000
2001	$279,950	$125,450	$251,750
2000	$257,500	$125,000	$240,000
1999	$221,250	$113,582	$208,000
1998	$218,000	$115,500	$199,500
1997	$188,500	$114,900	$179,950
1996	$180,000	$150,000	$182,000
1995	$170,000	$113,500	$165,000

Table 15: Number of Sales, Foxborough
Number of Sales – Calendar Year Jan-Dec

Year	One-Family	Condo	All
2011	111	26	272
2010	117	27	205
2009	94	31	182
2008	122	16	169
2007	112	35	230
2006	140	38	359
2005	135	79	345
2004	180	55	335
2003	178	39	323
2002	152	44	276
2001	158	58	302
2000	181	55	307
1999	216	49	292
1998	199	40	272
1997	182	37	241
1996	223	38	263
1995	191	44	290

Table 14: Median Sales Price, Foxborough
Median Sales Price – Calendar Year Jan - Dec

Year	One-Family	Condo	All
1994	$163,000	$93,250	$156,000
1993	$165,000	$109,500	$155,000
1992	$159,500	$125,500	$156,250
1991	$162,000	$141,700	$157,900

Table 15: Number of Sales, Foxborough
Number of Sales – Calendar Year Jan-Dec

Year	One-Family	Condo	All
1994	205	42	259
1993	257	34	222
1992	164	28	212
1991	125	8	169

Source: Town Stats, The Warren Group, publisher of Banker and Tradesman

Affordability

As housing prices increase, the affordability gap widens. The affordability gap is defined as the difference between the cost of housing and the proportion of income that is reasonable to pay for housing, typically defined as 30 percent of gross income. Thirty percent of gross income is also referred to as a household's "borrowing power". The affordability gap is calculated as the difference between the median cost of a house and the cost of a house affordable to a household earning the median income. The following calculations use Warren Group data from Table 14 shown above.

- To afford the 2011 median sales price of a one-family at $350,000, a household would have to earn $91,980 annually. A household earning the FY2012 HUD metro area median income (AMI) of $97,800 could afford a home priced at this amount, assuming it spent no more than 30% of gross income on housing costs[6].
- To afford the 2011 median sales price of a condo at $250,000, a household would have to earn $67,414 annually. This figure factors in the cost of both monthly mortgage costs and utilities. Similarly, a household earning the FY2012 HUD metro AMI could afford a home priced at this amount.

The estimated 2010 Foxborough median household is $65,081, which is significantly lower than the HUD metro AMI. To afford the 2010 median sales price of a one-family unit, a household would have to earn $92,230, assuming it spent no more than 30 percent of income on housing costs. The affordability gap is $27,149, the difference between the median cost of the house ($351,000) and the cost of a house affordable to a household earning the median household income ($323,851). To afford the 2010 median sales price of a condo, a household would have to earn $63,265, assuming it spent no more than 30 percent of income on housing costs. The affordability gap is $1,816, the different between the median cost of the condo ($233,079) and the cost of a condo affordable to a household earning the median household income ($231,263). A condo is significantly more affordable to current residents according to the 2010 estimate of Foxborough median household income.

HUD Income Limits for Affordable Housing

The U.S. Department of Housing and Urban Development (HUD) provides annual estimates of area median income (AMI) for communities across the United States. HUD calculates percentages of affordability using this AMI. AMI is calculated for metro areas, and Foxborough is part of the Boston-

[6] Housing costs include the annual cost of the mortgage, private mortgage insurance, and utilities.

Cambridge-Quincy, MA-NH HUD Metro Fair Market Rent (FMR) Area, so all information presented here applies to the metro area. Only income-eligible households can live in qualifying affordable housing units. Table 8 outlines FY2012 income limits by household size in order to qualify for affordable housing. The incomes represent 30 percent of the AMI up to 80% of the AMI.

Various government programs provide housing for varying income levels, with the households earning up to 30 percent of AMI generally targeted for rental opportunities, while those earning 50 to 80 percent AMI are eligible for ownership opportunities.

Table 16: FY2012 Individual Income Limits for Affordable Housing: Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area

FY 2012 Boston-Cambridge-Quincy Median Income: $97,800

FY2012 Income Limit Category	Extremely Low (30%) Income Limits	Very Low (50%) Income Limits	Low (80%) Income Limits
1 Person	$20,550	$34,250	$45,500
2 Person	$23,500	$39,150	$52,000
3 Person	$26,450	$44,050	$58,500
4 Person	$29,350	$48,900	$65,000
5 Person	$31,700	$52,850	$70,200
6 Person	$34,050	$56,750	$75,400
7 Person	$36,400	$60,650	$80,600
8 Person	$38,750	$64,550	$85,800

Source: Department of Housing and Urban Development

The National Low Income Housing Coalition has analyzed affordable rents for both renters and people at 30% of AMI (very low income). Based on their analysis using Massachusetts area median income, the rent amount for someone earning the mean hourly wage is $881, however according to Massachusetts AMI an affordable rent is $2,121.

Table 17: Measuring Affordability: Fair Market Rents, Affordable Rents, and Mean Renter Wages

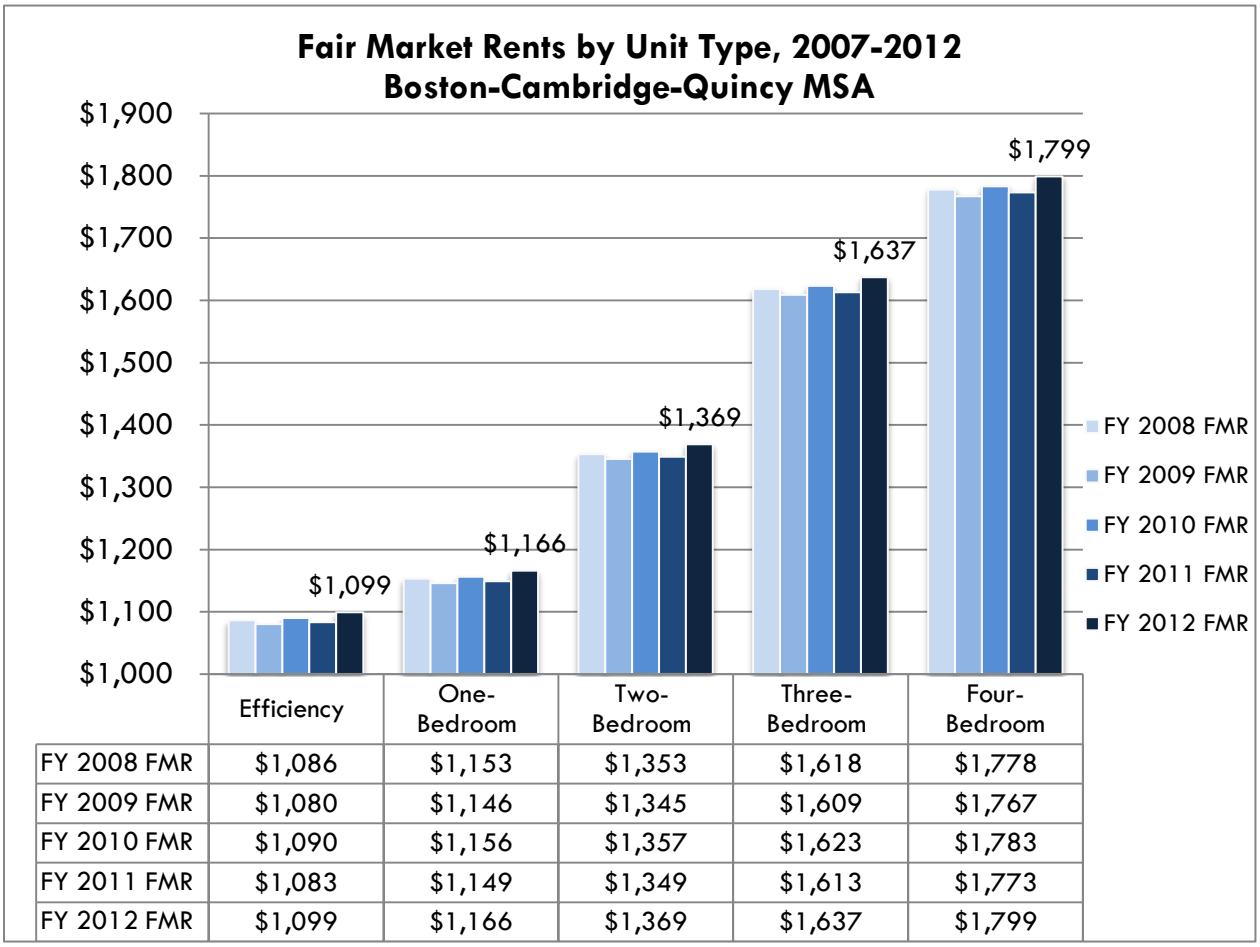
2010 Boston-Cambridge-Quincy Fair Market Rent (FMR) Median Family Income Estimate	$91,800.00
FY2012 Massachusetts Area Median Income (AMI)	$84,859.00
30% of FY2012 Massachusetts AMI	$25,458.00
2012 rent affordable at Massachusetts AMI	$2,121.00
2012 rent affordable at 30% of Massachusetts AMI	$636.00
2012 Fair Market Rent (FMR) for a two-bedroom	$1,142.00
FY2012 wage necessary to afford two-bedroom at FMR	$21.96
FY2012 estimated mean renter hourly wage	$16.94
FY2012 rent affordable at mean renter hourly wage	$881.00

Source: National Low Income Housing Coalition Statistics, 2012

While sales and prices are one factor in the housing market, rental units are another consideration. The figure below shows the FMRs or maximum allowable rents (not including utility and other

allowances) for subsidized units in the Boston MSA. The upward trend is reflective of the annual adjustment factor that occurs to reflect market demands for rental housing. Given the many constraints on the Greater Boston rental housing market, this is not a surprising trend and only makes the need for more rental housing at multiple price points a priority.

Figure 15: Fair Market Rents by Unit Type, Boston-Cambridge-Quincy MSA, 2007-22012



	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
FY 2008 FMR	$1,086	$1,153	$1,353	$1,618	$1,778
FY 2009 FMR	$1,080	$1,146	$1,345	$1,609	$1,767
FY 2010 FMR	$1,090	$1,156	$1,357	$1,623	$1,783
FY 2011 FMR	$1,083	$1,149	$1,349	$1,613	$1,773
FY 2012 FMR	$1,099	$1,166	$1,369	$1,637	$1,799

Source: Department of Housing and Urban Development

Housing Affordability Gap

Affordability of Existing Housing

The following table estimates the income required to purchase a home or condominium in Foxborough. The price figures were calculated by averaging sales prices by housing type. The monthly cost and annual income calculations assume the following: a good credit profile; a fixed rate conforming loan interest rate of 5 percent; projected tax and private mortgage insurance (PMI) costs; and an annual income where no more than 30% is spent on housing (mortgage and utilities).

When the 2012 data below is compared with the median sales price data presented earlier in Table 9, we see that the average price for single-family housing with four bedrooms is unaffordable to

those earning the FY2012 AMI. The housing affordability gap for larger households and families seeking this housing type is $34,828.

Table 18: Affordability of Existing Housing

House Type	Average Price	Down Payment (5%)	Loan amount	Estimated Monthly Cost*	Annual Income Required
Condominium: 2 BR, 1 bath	$115,900	$5,795.00	110,105.00	$711.80	$34,472.00
Condominium: 2 BR, 2 baths	$155,000	$7,750.00	147,250.00	$951.93	$44,077.20
House, single family, 3 BR, one bath	$222,167	$11,108.35	211,058.65	$1,364.43	$60,577.20
House, single family, 3 BR, 2-3 baths	$314,400	$15,720.00	298,680.00	$1,930.88	$83,235.20
House, single family, 4 BR, 2-3 baths	$515,465	$25,773.25	489,691.75	$3,165.71	$132,628.40

Source: Multiple Listing Service affiliate Zip Realty's listing of home and condominium sales prices collected on June 6, 2012.

Foxborough Housing Authority

As of January 2012, there were 12 requests for two-bedroom homes and approximately five requests for three-bedroom homes on the Housing Authority's waiting list. It is anticipated that there may be a few additions during the spring, as the six-week period during which families can add their names to the waiting list is currently open. In 2011, only two homes became available for families on the waiting list. Work is currently underway on the Walnut Street homes, which may allow more requests to be met in the future.[7] A summary of Foxborough Housing Authority's units is below.

Table 19: Foxborough Housing Authority Developments

Name of Development	Number of Subsidized Units
56, 64, and 68 Baker Street	20
90 N. Carl Annon Court I	64
90 Carl Annon Court II	64[8]
41 Centennial Court	40
1-12 Walnut Terrace	12

Affordable Housing and MGL Chapter 40B

In 1969, Chapter 40B, the Massachusetts Comprehensive Permit Law was passed to facilitate the development of affordable housing for moderate and low income households. The legislation defined affordable housing to include any housing subsidized by the federal or state government under any program to assist in building housing for those earning less than 80% of median income. Chapter 40B allows developers creating low and moderate housing to obtain a Comprehensive Permit to

[7] Source: Sharon Wason, January 2012.
[8] The affordable rental units at 90 Carl Annon Court II are at risk of expiring in 2013. The property is managed and partially financed by East Point Properties.

override local zoning and other restrictions if that community has less than 10% of its year round housing available for low and moderate income households.

Foxborough has 590 units in its SHI. This represents 8.61% percent of its total housing stock as of May 2012. At this time, the community has identified 13 sites for housing development. One 40B development, Nadia Estates, recently passed the Board of Appeals review as of May 2012. The full list of proposed sites is listed in the Implementation Plan section.

Housing Cost Burden: Analysis of Households by HUD Income Segment and Household Type

As noted in the Affordability section of the Housing Needs Analysis in Section III, HUD provides annual estimates of area median income (AMI) for communities across the United States. HUD uses this figure to calculate percentages of affordability using this AMI. Most state and federal programs are available for households earning up to 80 percent of the AMI adjusted for household size (please see Table 16). This section analyzes the housing needs of particular segments of the community according to the three income groups and the needs of priority populations such as the elderly.

This analysis is based CHAS data collected through the 2005-2009 American Community Survey which is administered by the Census Bureau. CHAS data demonstrates the number of households in need of housing assistance, and it is estimated by the number of households that have certain housing problems and have an income low enough to qualify for HUD programs.

Extremely Low Income: These are households with incomes from 0 to 30 percent of AMI. Approximately 395 of the total of 6,250 households in Foxborough are classified as extremely low income. A majority of extremely low income households are renters: of the total number in this category, 170 are owner-occupied households and 225 are renter-occupied households. The total number of extremely low income households represents 6.3 percent of all households. FY2012 extremely low income limits range from $20,550 for 1-person households to $38,750 for 8-person households.

Very Low Income: These are households with incomes from 31 to 50 percent of AMI. Approximately 615 of the total of 6,250 households in Foxborough are classified as very low income. Very low income households are evenly split between homeowners and renters: of the total number in this category, 305 are owner-occupied households and 310 are renter-occupied households. The total number of very low income households represents 9.8 percent of all households. FY2012 very low income limits range from $34,250 for 1-person households to $64,550 for 8-person households.

Low Income: These are households with incomes from 51 to 80 percent of AMI. Approximately 585 of the total of 6,250 households in Foxborough are classified as low income. A majority of low income households are owner-occupied: of the total number in this category, 410 are owner-occupied households and 175 are renter-occupied households. The total number of low income households represents 9.3 percent of all households. FY2012 low income limits range from $45,500 for 1-person households to $85,800 for 8-person households.

Households with incomes greater than 80 percent of AMI constitute approximately 4,665 of the total of 6,250 households in Foxborough. Of the total number in this category, 3,780 are owner-occupied households and 885 are renter-occupied households. This segment of households represents 75 percent of all households.

Key Findings

A significant issue is when over 30 percent of renters or owners are cost-burdened (paying more than 30 percent of household income on housing) and when over 15 percent of renters or owners are severely cost-burdened (paying more than 50 percent of household income on housing). The following is a summary of cost-burdened households by type (elderly, small related, and large related households). When we look at total households earning 30, 31-50, 51-80, or 80 percent or more of MFI, we see that:

- 31.6 percent of all owner-occupied households report housing problems (i.e., the household has 1 or more of the 4 housing unit problems: lacks kitchen or plumbing, more than 1 person per room, or is cost burdened)
- 29.8 percent of owner-occupied households are cost-burdened, and 12.3 percent are severely cost-burdened
- 76.9 percent of all renter-occupied households report housing problems; 30.8 percent of renter-occupied households are cost-burdened
- Elderly 1-2 person households (owner or renter occupied) earning less than 30 percent of MFI are severely cost-burdened
- A majority of owner-occupied households in the 30-50 percent of MFI income range are cost-burdened
- A majority of renter-occupied households in the 50-80 percent of MFI income range are cost-burdened

<u>Severely cost burdened (spending more than 50 percent of HHI on housing)</u>

- 62.5 percent of elderly, 1-2 person owner-occupied households with a household income (HHI) of less than 30 percent of the MFI are paying more than 50 percent of their income on housing
- 63 percent of elderly, 1-2 person renter-occupied households with a household income (HHI) of less than 30 percent of the MFI are paying more than 50 percent of their income on housing
- 100 percent of owner-occupied households with 2-4 related people with a HHI between 31-50 percent of the MFI are paying more than 50 percent of their income on housing
- 29.2 percent of renter-occupied households with 2-4 related people with a HHI between 31-50 percent of the MFI are paying more than 50 percent of their income on housing
- 62 percent of owner-occupied households with 5 or more related people with a HHI greater than 80 percent of the MFI pay more than 50 percent of their income on housing

<u>Cost burdened (spending more than 30 percent of HHI on housing)</u>

- 100 percent of elderly, 1-2 person owner-occupied households with a HHI of less than 30 percent of the MFI are paying more than 30 percent of their income on housing
- 46.4 percent of elderly, 1-2 person owner-occupied households with a HHI that is between 31-50 percent of the MFI are paying more than 30 percent of their income on housing
- 50 percent of owner-occupied households with 5 or more related people with a HHI between 31-50 percent of the MFI are paying more than 30 percent of their income on housing
- 76.2 percent of owner-occupied households with 2-4 related people with a HHI greater than 80 percent of the MFI pay 30 percent or more of their income on housing
- 30 percent of elderly, 1-2 person renter-occupied households with a HHI that is between 31-50 percent of the MFI are paying more than 30 percent of their income on housing
- 50 percent of elderly, 1-2 person renter-occupied households with a HHI that is between 31-50 percent of the MFI are paying more than 30 percent of their income on housing
- 37.5 percent of elderly, 1-2 person renter-occupied households with

- 100 percent of renter-occupied households with 5 or more related people with a HHI between 51-80 percent of the MFI are paying more than 30 percent of their income on housing

This data underscores the need for affordable and accessible housing for elderly residents and multifamily housing for small and large related 2-4 and 5+ person households. Affordable alternatives to single-family housing are needed particularly for renter households earning 50 to 80 percent of MFI who may aspire to own. As MetroFuture and Current Trends projections indicate, the elderly population is expected to grow significantly over the next several decades. Additional housing will be necessary to meet the needs of these households.

Gaps between Existing Needs and Current Supply

Foxborough renters and owners are facing housing constraints. Lower-income renter and owner households are facing great cost burdens in Foxborough; owners are facing this burden even more significantly.

Figure 16 shows that there are a greater number of owner households at or below 50% of the Area Median Income than there are units affordable within that income range. Similarly, those households earning between 50 percent and 80 percent of the Area Median Income are unlikely to find units to purchase that are affordable within their income range. This Figure illustrates a different challenge for renters. Renter households earning at or below 80% of the Area Median Income are not as constrained by affordable housing availability. In fact, it appears that there are more renter occupied housing units affordable to households between 50% and 80% of the Area Median Income than there are renter-occupied households within this income range.

Figure 17 summarizes the needs showing that there is a gap between the number for households earning at or below 50% of the Area Median Income and the number of housing units affordable within this income range. There are more units overall affordable to households earning between 505 and 80% of the Area Median Income. Finally, there appears to be a slight increase in the number of households earning greater than 80% of the Area Median Income than there are units affordable within this income range.

Table 20: Housing Expenditures by HUD Income Categories: Owners

Housing Expenditures by HUD Income Categories					
Owners					
Household by Type, Income, & Housing Problem	Elderly 1 & 2 member Households	Small Related (2 to 4)	Large Related (5 +)	All Other Households	Total Owners
Household Income (HHI)<=30% MFI	80	80	0	10	170
% with any housing problems	100	62.5	N/A	100	82.4
% Cost Burden >30%	100	62.5	N/A	100	82.4
% Cost Burden >50%	62.5	62.5	N/A	100	64.7
HHI >30% to <=50% MFI	140	75	20	65	305
% with any housing problems	46.4	100	50.0	100	70.5
% Cost Burden >30%	46.4	100	50	98.5	70.2
% Cost Burden >50%	0	100	0	92.3	44.3
HHI >50 to <=80% MFI	180	105	40	85	410
% with any housing problems	13.9	76.2	62.5	88.2	50.0
% Cost Burden >30%	13.9	76.2	62.5	88.2	50.0
% Cost Burden >50%	0	9.5	62.5	58.8	20.7
HHI >80% MFI	595	2,275	510	400	3,780
% with any housing problems	10.1	15.4	28.4	41.3	19.0
% Cost Burden >30%	10.1	15.4	26.5	41.3	18.8
% Cost Burden >50%	1.7	1.1	8.8	3.8	2.5
Total Households	995	2,535	570	560	4,660
% with any housing problems	23.1	21.9	31.6	56.3	27.5
% Cost Burden >30	23.1	21.9	29.8	56.1	27.2
% Cost Burden >50	6.0	6.3	12.3	24.1	9.1

Source: U.S. Department of Housing and Urban Development (HUD) CHAS Data: Housing Problems Output for all Households, 2005-09.

Table 21: Housing Expenditures by HUD Income Categories: Renters

Housing Expenditures by HUD Income Categories					
Renters					
Household by Type, Income, & Housing Problem	Elderly 1 & 2 member households	Small Related (2 to 4)	Large Related (5 +)	All Other Households	Total Renters
Household Income (HHI) <=30% MFI	135	60	0	30	225
% with any housing problems	63.0	0	N/A	100	51.1
% Cost Burden >30%	63.0	0.0	N/A	100	51.1
% Cost Burden >50%	63.0	0.0	N/A	100	51.1
HHI >30% to <=50% MFI	150	120	0	35	310
% with any housing problems	33.3	29.2	N/A	100	38.7
% Cost Burden >30%	30.0	29.2	N/A	100	37.1
% Cost Burden >50%	10.0	29.2	N/A	0	16.1
HHI >50 to <=80% MFI	60	40	10	65	175
% with any housing problems	50.0	62.5	100	23.1	45.7
% Cost Burden >30%	50.0	37.5	100	23.1	40.0
% Cost Burden >50%	0.0	0.0	0.0	0.0	0.0
HHI >80% MFI	125	290	120	345	885
% with any housing problems	12.0	0.0	75.0	0.0	11.9
% Cost Burden >30%	12.0	0.0	25.0	0.0	5.1
% Cost Burden >50%	0.0	0.0	0.0	0.0	0.0
Total Households	470	510	130	475	1590
% with any housing problems	38.3	11.8	76.9	16.8	26.4
% Cost Burden >30	37.2	9.8	30.8	16.8	21.7
% Cost Burden >50	21.3	6.9	0.0	6.3	10.4

Source: U.S. Department of Housing and Urban Development (HUD) CHAS Data: Housing Problems Output for all Households, 2005-09.

Figure 16: Housing Gap for Affordable Housing by Type in Foxborough

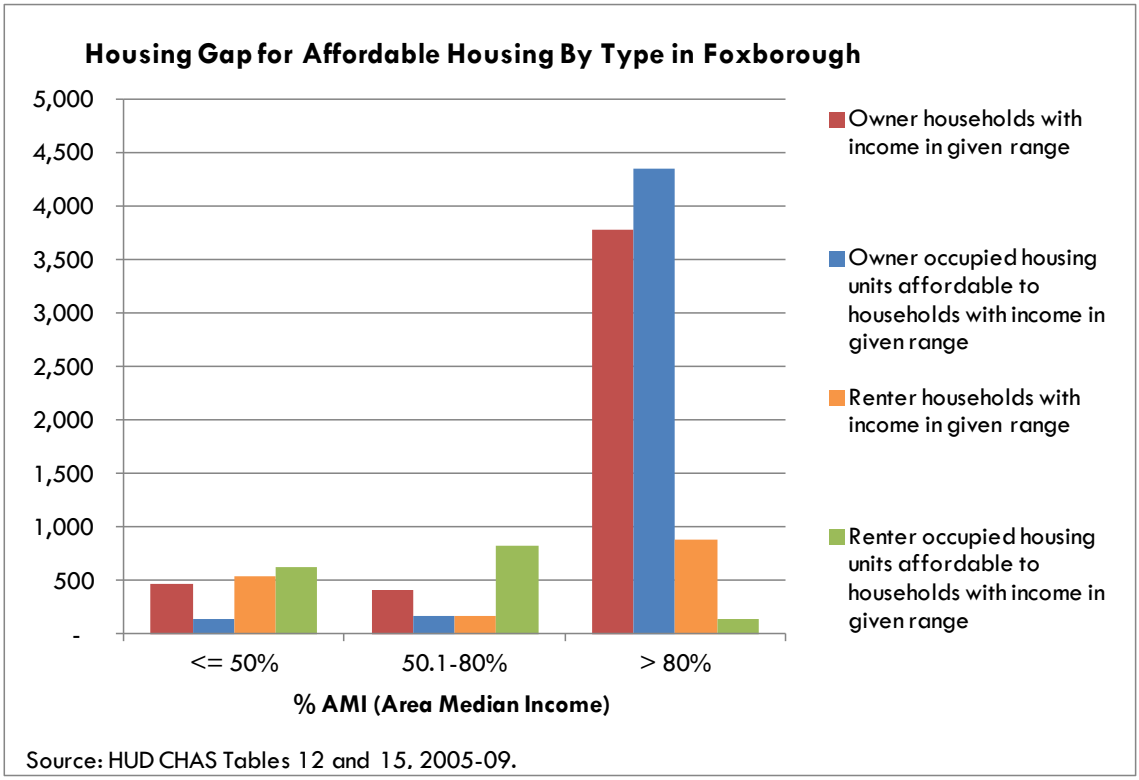
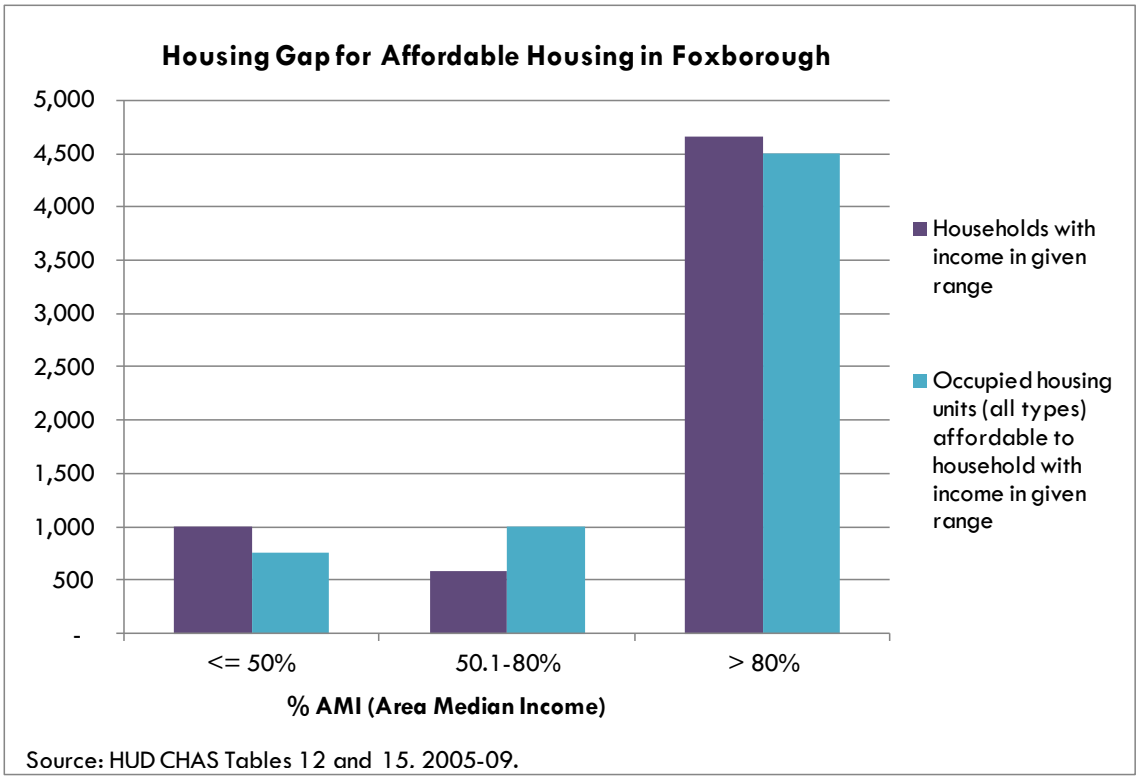


Figure 17: Housing Gap for Affordable Housing in Foxborough



IV. Housing Vision, Goals, and Objectives

On March 29, 2012, the Metropolitan Area Planning Council (MAPC) facilitated a public meeting to begin a dialogue to create a vision for future residential development in the town. Participants provided ideas during facilitated dialogues on three components: Housing Assets, Housing Challenges, and Housing Opportunities. The context provided for this discussion was a summary of demographic characteristics, household characteristics, and information about the existing housing stock. Participants then voted for what they considered to be the town's highest priorities for addressing housing assets, challenges, and opportunities. This information was used to develop Foxborough's Housing Vision statement.

The top three priorities within each category as determined through the voting exercise are in bold.

<u>Housing Assets / Resources</u>

- Character of the common (1)
- Multifamily housing vs. neighborhood (1)
- Foxborough is the "gem" of Norfolk County
- Increasing employment base
- Senior housing inventory – 168
- YMCA (Hockomock)
- **Residential/country character family – oriented (2)**
- 95+495 intersection – asset
- **School system is good (2)**
- **School + municipal buildings in close proximity – nice, compact town center (3)**
- Number of apartments in town center (1 and 2 bedroom)
- Churches throughout town
- Large conservation + recreation areas
- Historical committee (society) and historic commission (2)
- Neponset Reservoir (waterfront)
- State Forest (Gilbert Hill) – hiking, mountain-biking
- Putnam Village development
- Chestnut Green Development + Victorian
- Baker Street – 18 units – family housing

<u>Housing Challenges</u>

- **For children who grew up here, can't afford to come back and own (cost, availability, number of bedrooms) (7)**
- Takes too long for development to happen (from permitting to development)
- **Revitalization of downtown. Lack of sewer flow. No capacity for use changes. (8)**
- 40B – Use has varied from intent – allowing circumventions of zoning laws with and without community support (comprehensive permit proposals)
- Impact of current economy on permitting – e.g. permit extensions, considering things they may not have before. (1)
- Engineering technology allows people to get around, makes buildable lots buildable (challenge for town) (2)
- Existing housing may become avail. If there were more 55+ housing opportunities
- 55+ housing is asset but when transferred to heirs can be a burden due to restrictions

Opportunities for Housing

- Homes for our troops – partnering (2)
- Possibility of combining 55 + and veterans housing (6)
- Town owns land in town center and non-conservation land (1)
- Good zoning for doing multi-family housing. We have done 8 unit housing, rental + condo (1)
- Downtown mixed use -- retail on 1st floor, housing on upper floors (1)
- Increase sewer capacity (4)
- Redevelopment – fire house, Keating funeral home (1)
- Corporate local banks
- Housing authority – Walnut Street acquisition (4)

The following housing vision statement is crafted based on feedback received at the visioning meeting and in conversation with stakeholders in the town. This housing vision statement also builds on the vision articulated in the town's Economic Development Master Plan.

Housing Vision:

Foxborough is a family-oriented community with a rich history, picturesque town center, and a wealth of natural resources. The Town values a diverse, accessible housing stock that serves people with a wide range of income and accessibility needs and household types. The Town supports revitalization of the downtown through mixed use development that includes housing with a variety of bedroom sizes and redevelopment in areas capable of accommodating multifamily housing development. Pursuit of the housing development opportunities identified as well as infrastructure upgrades including increased sewer capacity will increase the diversity and affordability of housing stock and enable residents to age in place and will ensure that the stock is appropriate and affordable for future generations.

In light of the housing opportunities articulated at public meetings associated with the development of this Housing Production Plan and the analysis of existing constraints (reviewed in detail in Section V), our findings indicate a need for smaller housing units and multi-family units to serve predominantly smaller households. New affordable housing unit development should be prioritized along Route 1 and in and around the Town Center. This proposed development plan also follows the Foxborough Economic Development Master Plan Growth Nodes scenario.

In order to accommodate new growth, the plan relies upon the creation of a dedicated group of Trustees serving on an Affordable Housing Trust Fund, zoning tools that increase affordability and incentivize growth, and prioritization and advancement of the development of key sites identified for new affordable housing. Additional sewer capacity is also needed to guide growth.

V. Constraints on Housing Development

Residential development is influenced by various factors, including historical development patterns, existing land use regulations, natural resources protection areas, municipal infrastructure, and the availability of developable land. This section provides an overview of constraints impacting residential development in Foxborough, including physical and regulatory obstacles to the creation of affordable housing.

Permitting Constraints: Zoning

Zoning bylaws regulate the type and location of development. Ideally, zoning reflects land use decisions reached during development of a community's Master Plan. While towns' Master Plans typically identify areas for residential development, they do not typically identify areas for high-density housing except for where such uses already exist. Perceptions of the negative impact of high-density housing often make it difficult for towns to demonstrate the feasibility and efficacy of building denser, multifamily developments.

According to MassGIS zoning data from 2005, of the total 13,341 acres of land within the Town of Foxborough, less than half (4,064 acres) has been developed; another 2,289 acres is categorized as undevelopable. The total balance of acres available for development (vacant redevelopable or developed, redevelopable (infill) land) is 10,991 acres.

Foxborough Zoning Ordinance elements pertaining to housing:

- The Zoning Bylaw includes two residential zones: the R-15 Residential District and the R-40 Residential and Agricultural District.
- The Residential District allows single- and two-family dwellings and accessory apartments by right. Other residential housing types including multi-family dwellings and lodging/boarding houses require Planning Board approval.
- The Residential and Agricultural District allows only single-family dwellings by right, whereas two-family and multi-family dwellings are not allowed. However, Open Space Residential Developments, Residential Compounds, and Planned Development Housing, which are not allowed in R-15, are allowed in R-40 with Planning Board approval.
- The General Business District allows multi-family dwellings with Planning Board approval, while two-family and single-family dwellings are allowed by right.
- Neighborhood Business District allows only single family dwellings (by right); no other residential types are allowed in this District.
- Accessory apartments are allowed in both the Residential District and General Business District by right, and they require Planning Board approval in the Residential and Agricultural District and Neighborhood Business District. Allowed uses in accessory apartments are clearly defined in the bylaw. Accessory uses such as seasonal migrant workers quarters are allowed by right in all districts.

Allowed Residential Uses by Zoning District

- In the Residential District, minimum lot sizes for single and two-family homes are 15,000 square feet (slightly less than a 1/3 of an acre) and multi-family homes must be a minimum of 32,250 square feet (slight over 2/3 of an acre).
- In the Residential and Agricultural District and the Neighborhood Business District, minimum lot sizes for single and two-family homes are 40,000 square feet (just under an acre).

Table 22 Residential Uses Allowed by Zoning District

The following table provides information on the residential uses and accessory uses pertaining to residential developments that are allowed in each of Foxborough's zoning districts. Accessory uses are those that are subordinate to the principal activity but which allow the property owners additional beneficial use of their property.

Abbreviations:

R-15 = Residential District
R-40 = Residential and Agricultural District
GB = General Business District
NB = Neighborhood Business District
HB = Highway Business District
LI = Limited Industrial District
GI = General Industrial District
S-1 = Special Use District

Y = Permitted
N = Not Permitted
BA = Permitted by Special Permit from the Board of Appeals
PB = Permitted by Special Permit from the Planning Board
SB = Permitted by Special Permit from the Board of Selectmen

Use Group	R-15	R-40	GB	NB	HB	GI	LI	S-1
G. Residential								
1. Lodging, boarding house but not including group homes or halfway houses	BA	N	BA	N	N	N	N	N
2. Hotels, motels but not including group homes or halfway houses	N	N	N	N	PB	N	PB	PB
3. Dormitories	BA	BA	BA	N	N	N	N	N
4. Multi-family dwellings	PB	N	PB	N	N	N	N	N
5. Two (2) family dwelling	Y	N	Y	N	N	N	N	N
6. Single family dwellings	Y	Y	Y	Y	N	N	N	N
7. Mobile homes/travel trailers park	BA	BA	N	N	N	N	N	N
8. Open Space Residential Developments	N	PB	N	N	N	N	N	N
9. Residential Compounds	N	PB	N	N	N	N	N	N
10. Planned Development Housing	N	PB	N	N	N	N	N	N
11. Accessory Apartment	Y	PB	Y	PB	N	N	N	N
12. Assisted Living Facility	PB	PB	PB	PB	PB	PB	PB	N
13. Bed and Breakfast	BA	BA	BA	BA	N	N	N	N
14. Nursing or Convalescent Home	PB	N	PB	PB	PB	PB	PB	N
L. Accessory Uses								
1. The storage (temporary or otherwise), sale or processing of any combustible or waste materials	N	N	BA	BA	BA	BA	BA	PB
2. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to permitted Agricultural and Industrial uses	Y	Y	Y	Y	Y	Y	Y	Y
3. Residential accessory uses and structures. Gross area of residential storage structures shall not exceed 400 square feet or 1.5 stories; the gross area of temporary wayside stands shall not except 400 square feet	Y	Y	Y	Y	N	N	N	N
4. Residential garages which do not exceed one and a half stories in height and a "footprint" not to exceed one and a half stories in height and a "footprint" not to exceed 625 square feet.	Y	Y	Y	Y	N	N	N	N
5. Residential Garages which exceed one and a half stories in height or have a "footprint" larger than 625 square feet	BA	BA	BA	BA	N	N	N	N
6. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross	N	N	Y	N	Y	Y	Y	Y

Use Group	R-15	R-40	GB	NB	HB	GI	LI	S-1
Vehicle Weight (GVW) as determined by Mass Registry of Motor Vehicles exceeds 10,000 pounds								
7. Accessory uses to multifamily dwellings which are located within the principal building and are limited to eating establishments, personal service establishments; retail sales establishments selling convenience merchandise	Y	Y	Y	N	Y	Y	Y	Y
8. Accessory structures to multifamily structures	BA	N	BA	N	BA	BA	BA	BA
9. Nonresidential accessory uses and structures which do not exceed fifteen percent (15%) of the gross area of the principal building or buildings	N	N	Y	Y	Y	Y	Y	Y
10. Home occupation	BA	BA	Y	Y	N	N	N	N
11. Home occupation, non-intensive	Y	Y	Y	Y	N	N	N	N
12. Keeping of livestock or horses on a parcel of land which is not greater than two (2) acres in area	BA	BA	BA	BA	BA	BA	BA	BA
13. Keeping of livestock or horses on a parcel of land which is greater than two (2) acres in area	Y	Y	Y	Y	Y	Y	Y	Y
14. Family Day Care, Large or Small	BA	BA	BA	BA	BA	BA	BA	N
15. Drive-Through Facility	N	N	PB	PB	P	P	P	P

Additional Zoning Provisions Pertaining to Housing Development

Please see Appendix I for additional bylaw provisions that pertain to housing development and the provision of affordable housing in Foxborough. Summary of the additional bylaw provisions that pertain to housing development:

- Section 5.0, Nonconforming Uses and Structures, specifies how single and two-family residential structures may be reconstructed, extended, altered, or structurally changed as of right.
- Section 8.0, Special Residential Regulations, specifies that the addition of an Accessory Apartment to a single family home may be permitted by the issuance of a Special Permit. The regulation also specifies that an accessory apartment can only be occupied by a family member specified in the Special Permit.
- Section 8.2, Residential Compounds, governs the subdivision of land within the R-40 Residential and Agricultural District to not more than four (4) lots.
- Section 8.3, Open Space Residential Development, pertains to the development and design of single-family subdivisions.
- Section 8.4, Planned Development Housing, specifies minimum parcel size, number of bedrooms, and percentage of open spaces on all Planned Development Housing.
- Section 9.2, Design Review Overlay District (DRD), specifies that all new, nonresidential and multi-family uses shall undergo a design review. A detailed design review will take place for all proposed new developments, changes in appearance of existing buildings and sites, and proposed changes in land use for all multi-family dwellings and nonresidential structures.
- Section 9.4, Water Resource Protection Overlay District, aims to preserve and maintain existing and potential groundwater supplies, aquifers, and recharge areas within the Town and to protect them from adverse development or land-use practices. Multi-family uses are allowed in the

District by the grant of a Special Permit. Pre-existing, nonconforming, multi-family structures or uses cannot be altered, reconstructed, or extended without a finding and a special permit based on the requirements.

- Section 9.6, Chestnut-Payson Overlay District (CPOD), permits the implementation of the Reuse Consensus Plan for Foxborough State Hospital property. It permits the total construction of 152 total residential units in the CPOD. It specifies that a Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. It also specifies dimensional regulations for attached single family housing, multi-family housing (including dormitories, and assisted living, age-restricted senior housing as well as maximum residential densities allowed for the different use types.

Natural Resources and Species Habitat Preservation

The characteristics of natural resources such as wetlands, surface water and endangered species habitats may be considered constraints on development. The presence of wetlands or endangered species habitat on parcels may render portions unbuildable or may require mitigation measures.

Major portions of the eastern, western, and southern parts of Foxborough have been designated as critical natural landscapes and core habitats of importance for endangered species as identified in the State Wildlife Action Plan. The town has a 8.2.4 Water Resource Protection Overlay District (WROD) as section 8.2.4 of the Zoning Bylaws, which is inclusive of zone II wellhead protection areas and overlaps with many of the areas identified in the State Wildlife Action Plan. The WROD The town also has an Open Space Residential Development bylaw as section 8.3 in the Zoning Bylaws, which pertains to single family subdivisions and aims to discourage sprawled development, minimize environmental disruption, and encourage the preservation of open space. The OSRD bylaw also requires that parcels situated in a Primary Resource Area or in Zone III of the Water Resources Protection Overlay District must compile and submit total sewage flow information for the area within each of the building lots as approved in the conventional, preliminary plan.

Municipal Infrastructure

Water

Foxborough obtains its water solely from groundwater resources located in the Boston Harbor, Ten Mile River, and Taunton River Basins. Water is pumped from 13 wells located in six well fields throughout the town. Emergency water connections exist with the neighboring communities of Mansfield, Plainville, Sharon, Walpole, and Wrentham. [9] Approximately 25 percent of the town is sewered; the neighboring town of Mansfield provides sewage treatment for these sections of the town.

Wastewater Management

Approximately 25 percent of the town's land area is served by sewer. Current sewer flow is treated by the town of Mansfield. Treatment capacity is limited by Mansfield's plant. The lack of sewer capacity in the Town Center hampers housing, business, and industrial development in an area that has been identified as a priority area for development through the South Coast Rail Corridor Plan and the public process associated with the development of this Housing Production Plan. The town may wish to negotiate expansion of the treatment plant or the usage of strategies that will increase sewer

[9] Source: Foxborough Water and Sewer Department 2010 Report to Consumers on Water Quality.

efficiency. The town of Foxborough could speak with Mansfield to discuss options for pursuing methods of treating the wastewater than can increase sewer capacity and efficiency. Possible strategies for increasing sewer efficiency include using biological aerated filters (BAFs), an active sludge process, and membrane biological reactors.

Schools

Foxborough has three elementary schools (two offering grades K-4, one offering grades Pre-K to 4), one middle school (grades 5-8), and one high school (grades 9-12). During the 2011-2012 school year, 2,777 children were enrolled. Under the potential buildout of up to 7,546 housing units by 2030 according to MetroFuture projections and MetroFuture age projections a decline in the child population and school enrollment in Foxborough may decline over the next several decades. Developing more housing for families could create a gain in the student population. While escalating school costs are a reality for all communities in the Commonwealth, an increase in the family population would also yield increases in the child-bearing and working age segments of the population, which are important to the Foxborough's economy.

VI. Implementation Plan

Affordable Housing Production Goals, 2012 – 2017

Foxborough seeks to increase its inventory of state-certified affordable units at a pace generally consistent with the following production schedule. Foxborough will need approximately three more years to achieve the ten percent goal.

Table 23: Town of Foxborough Affordable Housing Production Goals, 2012-2017

The goals listed in this Affordable Housing Goals table are based upon the total number of year-round homes as listed in the 2010 decennial census. The "Cumulative State-Certified Affordable Units" row is based upon the March 29, 2012 State-approved Subsidized Housing Inventory (SHI) total: 6,853. It is important to note that this column of calculations does not fully account for current or future inventory. Any affordable housing units in construction after March 29, 2012 are not listed in the 2012 Subsidized Housing Inventory on which this table of 2012-2017 Production Goals is based.

Affordable Housing Goals	2012	2013	2014	2015	2016	2017
Total year-round homes	6,853	6,853	6,853	6,853	6,853	6,853
Cumulative state-certified affordable units	590	624	658	692	726	760
10% requirement	685.3	685.3	685.3	685.3	685.3	685.3
Chapter 40B gap	95.3	61.3	27.3	-6.7	-40.7	-74.7
Required # for 0.5% of total homes[10]	34	34	34	34	34	34

[10] Source: Department of Housing and Community Development HPP production 5% thresholds based on 2010 Census information. http://www.mass.gov/hed/docs/dhcd/cd/pp/hppproductiongoals.pdf

Table 24: Proposed Sites for 40B Subsidized Housing Units

Note: There are four difference zoning districts within 2 blocks of the Common in downtown Foxborough:

- GB General Business
- R-15 Residential (medium to high density residential)
- GI General Industrial
- LI Limited Industrial

Most residential uses are allowed in the R-15 and GB districts, but are excluded from the GI and LI district. A new residential category of dwelling units located above the ground floor of any building in the General Business (GB) district or perhaps more appropriately in the overlay district might encourage the use of upper floors in the downtown for housing. It should apply to both existing buildings as well as new construction. An overlay district centered on the Common that extends the multifamily residential provisions to at least the General Industrial (GI) District would enable residential redevelopment of the Invensys mill area.

Site number	Development/Address	Status	Notes
1	Downtown Foxborough	Developed	This area has also been identified as a Priority Development Area in the South Coast Rail regional priority mapping project. This option for housing development is most appealing, because it can add vibrancy to the downtown, but consider sewering needs.
2	38 Neponset Avenue - Portion of the Invensys Corporation Site	Developed/Redevelopable	A portion of this area has been identified as a Priority Development Area in the South Coast Rail and 495 MetroWest Development Compact regional priority mapping projects. It is currently a Brownfields site but with potential for mixed use that could include housing.
3	Route 1 Corridor	Developed/Redevelopable	This area has also been identified as a Priority Development Area in the South Coast Rail and 495 MetroWest Development Compact regional priority mapping projects.
4	Joseph P. Keating Funeral Home & Former Fire Station (adjacent sites)	Developed/Redevelopable	This site has already been acquired by the town. It is at the intersection of Market and Rock Hill Street – get address.
5	50-60 Main Street - Sentry Property	Undeveloped	
6	50-60 Leonard Street	Developed/Redevelopable	Parcel of industrial land behind

Site number	Development/Address	Status	Notes
			the Post Office
7	Chestnut Green	Developed/Redevelopable	This area has also been identified as a Priority Development Area in the South Coast Rail and 495 MetroWest Development Compact regional projects. This site is limited to 203 units total. There is currently room to build only an additional 41 units.
8	Main Street site - located in the General Business District	Undeveloped	Site could potentially accommodate multifamily housing. It is currently zoned General Business District.
9	119-123 Washington Street (Route 1) - Ziggy and Hunt Property	Undeveloped	A parcel within the regional priority development area that is a strong possibility for future housing development.
10	Surplus State Land	Undeveloped	This is surplus state land near the Country Club and the interchange -- about 14-16 acres. It is currently zoned Highway Business District. This area is between North Street and Route 1.
11	70 Walnut Street	Developed/Redevelopable	A traffic signal is also needed near this site.
12	North Street - Kraft Property	Undeveloped	This property is a potential site for single and multifamily housing. This site is behind North Street.

Affordable Fair Housing Marketing Plan (AFHMP) Guidelines Pertaining to Local or Community Preference Units

If the town of Foxborough can demonstrate the associated need and the absence of any disparate impacts in its Affirmative Fair Housing Marketing Plan, up to 70 percent of units in an affordable housing development can be set-aside as "local or community preference" units. Allowable preference categories – as outlined in the Department of Housing and Community Development AFHMP Guidelines – include the following:

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

Affordable Housing Action Plan, 2012 – 2017

These recommendations have been developed from an analysis of existing housing needs and goals articulated at the March 2012 Public Meeting in Foxborough as well as discussions with the Foxborough Housing Authority, Council on Aging, and in consultation with the Town Planner and the Planning Board.

Development Activities

Foxborough has two immediate affordable housing issues to address that will both increase its Subsidized Housing Inventory and curb the potential loss of affordable housing units already listed on the Subsidized Housing Inventory. These activities are as follows:

1. The Town approved a special permit for the Chestnut Green redevelopment project. This plan includes a requirement that 20 percent of units are built and designated as affordable units for inclusion on the Subsidized Housing Inventory. The Planning Board should ensure that these units are built and included on the inventory per the redevelopment site plan and special permit requirement.

2. Without intervention, 64 units of affordable housing for lower income family households will be lost at North Carl Annon Court II. The Town and the Housing Authority should work with East Point Properties, the property management company, to ensure that units are not lost from the Subsidized Inventory. This may require refinancing with Rural Housing Services or a similar entity to maintain long-term affordability and ensure that lower-income households are not displaced.

Following immediate attention to the above items, MAPC recommends that the Town Planner review the list of Development Site Opportunities with the Planning Board. The Planner and Board should prioritize and focus on key sites to pursue so-called "friendly 40Bs." The Town can pursue these sites for development through an Affordable Housing Trust Fund (per a separate recommendation in the Implementation Strategy matrix) or work with a private entity (non-profit or for-profit) to advance development. These developments are filed with the Massachusetts Department of Housing and Community Development's Local Initiative Program (LIP) and can be counted toward the Subsidized Housing Inventory. Please see Appendix II for a list of eligible housing development subsidy programs available at the federal and state levels and Appendix III for a list of potential non-profit and municipal partners for affordable housing.

Based upon the housing needs analysis, there are a significant number of lower income households in need of affordable housing. The Foxborough Housing Authority (FHA) may be poised to consider expansion alongside current modernization efforts. The FHA might consider funding programs to expand public housing, including funding through the Massachusetts Housing Partnership Match Program, Massachusetts Department of Housing and Community Development, HOME, Community-Based Housing funds through the Community Economic Development Assistance Corporation, MassDevelopment tax-exempt bond financing and bond cap allocated Low-Income Housing Tax Credits for the project. Public housing authorities may be eligible for other funding programs as noted in Appendix II.

The FHA might also consider forming either a separate non-profit or working in partnership with a local or regional nonprofit interested in the development of affordable housing. There are many successful examples of housing authorities forming a non-profit charitable arm or working in partnership with an existing non-profit organization to raise necessary funds to carry out new affordable housing development.

There are many examples of housing authorities increasing housing opportunities. These include the Manchester-by-the-Sea Housing Authority. The Authority formed a separate nonprofit 501(c)(3) corporation, the Manchester Affordable Housing Corporation, to achieve their mission to create additional affordable housing and mixed-use development near the Manchester MBTA Commuter Rail station. Working in partnership with the Manchester Housing Authority, the Corporation secured funding from Wainwright Bank for construction and permanent financing from MassDevelopment, DHCD, Federal Home Loan Bank of Boston, the State HOME program, and MHP. The development includes commercial units, condominiums and apartments. Cable Gardens in Ipswich, Lincoln Way in Cambridge, and Summer Street in Manchester provides a few examples of successful redevelopments.

Planning Activities

The Town Board of Selectmen should reconstitute the affordable housing committee to provide an advocacy and knowledge base for affordable housing activities and establish a Municipal Affordable Housing Trust Fund per M.G.L. Chapter 44, Section 55C. A Trust can provide for the creation and preservation of affordable housing for low and moderate income households. Funding for the Trust can be generated in a variety of ways, including by municipal funds, Community Preservation Act funds, payments in-lieu of the development of housing, grants, and real estate development fees and related interest. The Town may be better served by a Trust than committee in the long-term depending upon the Town's development or advocacy goals, because a committee will not have the authority to purchase or hold property for future affordable housing development. The Trust can have many powers as determined in the Trust Bylaws and Organization.[11]

Another mechanism for funding the Affordable Housing Trust Fund is the Community Preservation Act (CPA). CPA allows communities to create a local Community Preservation Fund that can be used for many purposes, including the creation of affordable housing, the preservation of open space and historic sites, and the development of outdoor recreation facilities. CPA funds are raised locally through an imposition of a surcharge not to exceed 3 percent of the tax levy against real property. CPA is adopted by ballot referendum. Many resources are available to municipalities considering adopting the CPA, including the MA Secretary of State's Guide to Accepting the CPA, which outlines the steps to take for CPA adoption. The guide can be found here: http://www.sec.state.ma.us/ele/elecpa/cpaidx.htm. Additional resources and information about the CPA can be found at www.communitypreservation.org. The Community Preservation Coalition formed in the 1990s and works with the state and local governments and key partner organizations to help preserve Massachusetts communities' unique character.

Finally, there are a few important ways the Town can adapt zoning to increase housing affordability.

- **Adopt Inclusionary Zoning** - Allowing Inclusionary Zoning town-wide would ensure that as the Town permits new market rate development some affordable housing units are also developed to maintain housing production plan goals. Inclusionary Zoning is a land use tool that either requires builders of eligible residential projects to set-aside a portion of housing units in a development for low- or moderate-income households or provides incentives for them to do so voluntarily either off-site or through other mechanisms.

  Inclusionary Zoning requirements primarily trade off developments with higher-density for the

[11] See http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44/Section55c for further guidance and http://www.mhp.net/uploads/resources/municipal_affordable_housing_trust_guidebook.pdf.

development of affordable housing. While uniformity of structure type permitted within a zoning district must be mandated within the Bylaw, more specific requirements including affordability, term of affordability, monitoring authorities, in-lieu of payments, and threshold requirements for example can be modified based on community needs and goals of the Bylaw.

Inclusionary zoning, as seen in various By-Laws throughout the United States, can be broken into four groups: incentive-based, semi-mandatory, compensated mandatory or uncompensated mandatory. Communities in Massachusetts have bylaws that are mandatory or incentive-based. Inclusionary Zoning is typically triggered by a set unit threshold in a development, for example when a developer proposes to build 8 or more units in a specific district or town-wide, at least 10% of those units must be reserved as affordable. Affordability can be defined based upon local needs and designed to be flexible to accommodate changes in local needs. For example the City of Newton allows for a set-aside of units for households earning between 80-120% of the median income or middle-income families.

The Massachusetts Zoning Act, General Law Chapter 40A does not specifically state provisions on how communities develop and adopt Inclusionary Zoning provisions. Belmont, Duxbury, Newton, and Tewksbury, and communities throughout the Commonwealth have or are considering adopting such provisions.

- **Amend existing Accessory Apartment bylaw to include Affordable Accessory Dwelling Units.** An Accessory Dwelling Unit Bylaw to allow accessory apartments to be developed in existing single family homes and/ or in a detached accessory structure. Accessory Dwelling Units provide options for elderly to gain rental income, supportive living arrangements for persons with disabilities and the elderly, and may be an affordable option for households with lower incomes.

- **Amend Planned Development Housing and Residential Compounds zoning** to include density bonuses for affordable housing.

Table 25: Affordable Housing Development Strategies Matrix

Objective/Strategy	Responsible Entities	Time Frame	Page #
Development Activities			
• Achieve 20 percent of units built as affordable at Chestnut Green redevelopment site per plan and special permit requirement.	Planning Board	Immediate	39
• Develop plan and preserve expiring units at N. Carl Annon Court II	East Point Properties and Foxborough Housing Authority	Immediate	39
• Review Development Site Opportunities and prioritize opportunities	Planning Board with Town Planner	Near-Term	37-38
• Based upon review of Development Site Opportunities, pursue friendly 40Bs as strategic opportunities through the State's Local Initiative Program	Town Planner	Long-Term	39
• Expand capacity or the Foxborough Housing Authority to modernize housing units and increase the availability of housing to lower-income households	Foxborough Housing Authority	Long-Term	39-40
Planning Initiatives			
• Reconstitute affordable housing committee and form a housing trust fund	Board of Selectmen with assistance from Town Planner	Near-Term	39
• Adopt inclusionary zoning	Town Planner, Planning Board, Board of Selectmen, Town Meeting	Immediate. Access DHCD Priority Development Fund or Peer-to-Peer Program or both for assistance drafting zoning changes	40-41
• Adopt Affordable Accessory Dwelling Unit Program	Town Planner, Planning Board, Board of Selectmen, Town Meeting		
• Revise zoning to include density bonuses for the construction of affordable housing units	Town Planner, Planning Board, Board of Selectmen, Town Meeting		
• Achieve Plan Certification annually through 2017	Planning Board	Long-Term	

Appendix I: Excerpts of Foxborough Zoning Bylaws that Pertain to Housing Development

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.4 NONCONFORMING SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES.

Nonconforming single and two-family residential structures may be reconstructed, extended, altered, or structurally changed as of right upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure as long as such addition does not increase the habitable floor area of the original structure by more than twenty-five (25%) percent:

5.4.1 Insufficient Area. Alteration to a structure located on a lot with insufficient area that complies with all current setback, yard, building coverage, and building height requirements; or

5.4.2 Insufficient Frontage. Alteration to a structure located on a lot with insufficient frontage that complies with all current setback, yard, building coverage, and building height requirements; or

5.4.3 Side Yard Encroachment. Alteration to a structure that encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

5.4.4 Increase in Nonconforming Nature. When the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change because the above-stated criteria do not apply, the Board of Appeals, if there is a finding, may allow such reconstruction, extension, alteration, or change provided that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 ACCESSORY APARTMENTS

8.1.1 Special Permit Required. Subject to satisfying the Standards set forth in Section 8.1.2, the addition of an Accessory Apartment to a single family home may be permitted by the issuance of a Special Permit.

8.1.2 Standards. The standards set forth below shall be fulfilled prior to the granting of a Special Permit.

1. The owner of the property shall occupy one of the living units, and the other living unit can only be occupied by a family member specified in the Special Permit. All dimensional yard

requirements (see Section 4.0 of these By-Laws) shall be met or relief from such granted. This shall apply to the existing structure and any proposed additions.
2. Any external changes or additions shall blend into the architectural and physical style of the existing structure to the satisfaction of the Planning Board. The Accessory Apartment shall share a common living area separation (wall or floor) with the principal unit and there shall be direct access between the units. The structure shall retain the visual appearance of a single family dwelling when viewed from the front yard(s).
3. The net floor area for the Accessory Apartment shall not exceed eight hundred fifty (850) square feet.
4. Adequate parking for two additional vehicles shall be provided. Said parking shall not be obtrusive and shall comply with all zoning regulations. It shall also be screened, if required by the Planning Board.
5. The Planning Board reserves the right to require screening between any addition(s) and immediate abutters. Landscaping for any new addition(s) may also be required.
6. All necessary state and local permits and requirements shall be adhered to and shall not compromise any of these regulations.
7. The utilities serving the additional unit shall not be separated from the primary home.
8. For conforming lots or structures within the Water Resource Protection Overlay District, the design sewage flow does not exceed the design sewage flow requirements established by Section 9.4 for the Zone II and Zone III of the Water Resource Protection Overlay District.
9. For pre-existing non-conforming lots or structures located in Zone II or Zone III of the Water Resource Protection Overlay District, an accessory apartment may be allowed provided there is not an increase in the number of bedrooms on the property.
The existing septic system must pass a Title 5 inspection, or the system upgraded as approved by the Board of Health.

The following subsection regarding site accessibility is listed under section 6.5 Performance Standards and pertains to nonresidential or multi-family developments.

6.5.5 Site Access. The Planning Board shall evaluate the safety of motorists, bicyclists, and pedestrians utilizing the site and the roadways leading into the site. To ensure the public's safety the Planning Board may require sidewalks or pedestrian paths within and between developments. The Planning Board may also require the connection of adjacent properties via the use of common drives.

The following bylaw provision pertains to the R-40 Residential and Agricultural District only.

8.2 RESIDENTIAL COMPOUNDS

8.2.1 Purpose. The purpose of this Section 8.2 is:
1. To govern the subdivision of land within the R-40 Residential and Agricultural District into not more than four (4) lots,
2. To require a lower density of housing on the site than is normally allowed with a conventional subdivision,
3. To eliminate the Town's costs for road maintenance, lighting and future rebuilding and,
4. To minimize construction in or near environmentally sensitive areas.

8.2.2 Special Permit Required. A Residential Compound may only be authorized under a Special Permit granted by the Planning Board. Subdivision approval, pursuant to Massachusetts General Laws, Chapter 41, Section 81K-81GG, also shall be required.

8.2.3 Private Ways. All access ways shall be privately owned and shall remain as such.
1. All maintenance, including snow removal, street lighting, repaving and similar activities shall be the responsibility of the abutters to the private way.
2. The applicant shall propose the method to be used to ensure that the private way shall remain privately owned and that the abutters shall remain responsible for its maintenance (i.e. a home owner's association or similar entity should be considered).

8.2.4 Water Resource Protection Overlay District. All lots shall exceed the minimum requirement of 40,000 square feet or 60,000 square feet if the lot is within the WRPOD.

8.2.5 Standards.
1. The total number of lots shall be less than the number of lots allowed in a conventional subdivision of the land.
2. In granting the Special Permit, the Planning Board may authorize a reduction in lot frontage. The lot frontage may be reduced to fifty (50) feet on a public way (existing or proposed). The intent is to create better-shaped lots and to eliminate "strips" of useless frontage.
3. The Planning Board has the authority to impose construction standards found in its subdivision regulations. However, it also has the discretion to waive/reduce the following standards in exchange for the required reduction in density within the subdivision and/or other public amenities: underground utilities; sidewalk requirements; pavement widths; cul-de-sac width and construction; berms; and drainage.
4. All private ways shall have a fire hydrant located pursuant to the Board of Water & Sewer Commissioners requirements, which hydrant shall be owned and maintained by the Town.

The following bylaw provision pertains to the R-40 Residential and Agricultural District only.

8.3 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.3.1 Purpose. The purpose of this Section 8.3 is:
1. To permit maximum flexibility and creativity in design for the development of single- family subdivisions that will be superior to conventional plans;
2. To promote the most harmonious use of the land's natural features, resources and topography, which will promote the general health and safety of the public;
3. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities which will promote a more efficient distribution of services; and
4. To encourage the preservation of open space by permanently preserving open and wooded areas within the parcel.

8.3.2 Special Permit Required. Open Space Residential Development may be authorized only by a Special Permit as granted by the Planning Board.

8.3.3 General Requirements.
1. Tracts of land consisting of a minimum of seven and one-half (7.5) acres may be developed as an Open Space Residential Development (OSRD)
2. The number of building lots may not exceed the number of building lots of the tract as permitted by Board of Health and Conservation Commission regulations, existing zoning and

a conventional subdivision per the Foxborough Subdivision Regulations ("subdivision regulations").
3. For parcels situated in a Primary Resource Area, the maximum number of building lots allowed in the Special Permit definitive plan filing shall be determined by compiling the total sewage flow allowed for the total upland area within each of the building lots as approved in the conventional, preliminary plan. Minimum lot sizes of 30,000 square feet of upland area shall be required in these areas.
4. For parcels situated in Zone III of the Water Resource Protection Overlay District (WRPOD) the maximum number of building lots allowed in the Special Permit definitive plan filing shall be determined by compiling the total sewage flow allowed within each of the building lots as approved in the conventional, preliminary plan. Minimum lot sizes of 20,000 square feet shall be required in these areas.
5. All lots and structures shall comply within the dimensional requirements of Table 8-1. Whenever possible, the Planning Board will require septic systems and housing units to be located outside of those areas protected by the WRPOD Zone II regulations.

Subsections 8.3.4 through 8.3.11 omitted from this excerpt.

8.4 PLANNED DEVELOPMENT HOUSING

8.4.1 Minimum Parcel Size. All Planned Development Housing (PD-H) shall occur on parcels with a minimum of two hundred (200) acres and one hundred (100) feet of frontage within the R-40 Residential District.
8.4.2 Computation of Dwelling Units. One (1) dwelling unit shall be permitted for every 40,000 square feet of area. This figure shall be attained by using the gross square footage of the parcel.
8.4.3 Number of Bedrooms. The gross number of bedrooms within the Planned Development shall not exceed twice the number of dwelling units permitted. Within each Planned Development, not more than ten (10%) percent of the permitted dwelling units shall contain three (3) or more bedrooms. Single-family units are exempt from this three (3) bedroom limitation; however, the limitation on the gross number of bedrooms within the PD-H shall still remain in effect.
8.4.4 Open Space. Twenty-five (25%) percent of the parcel shall remain as open space.

9.2 DESIGN REVIEW OVERLAY DISTRICT (DRD)

9.2.1 Purpose. The purpose of the Design Review Overlay District (DRD) is:
1. To protect the cultural and historical resources of the Town of Foxborough by initiating a review of all new, nonresidential and multi-family uses through the Site Plan Review and Special Permit process.
2. To preserve and enhance the cultural, economic and historical resources of the Town of Foxborough in the DRD. This will be accomplished by requiring a detailed design review of all proposed new developments, changes in appearance of existing buildings and sites, and proposed changes in land use for all multi-family dwellings and nonresidential structures.

9.2.2 Overlay District. DRD is established as an overlay district and includes all of those streets listed herein. The DRD shall include all nonresidential properties and all multifamily dwellings fronting the following streets and which are shown on the revised Zoning Map dated February 9, 1989 or any amendments thereto:
Baker Street (Bird Street to furthermost bound of Glenwood Avenue)
Bassett Street

Bentwood Street
Bird Street
Carpenter Street
Central Street (Common to furthermost bound of Leonard Street)
Church Street
Clark Street
Cocasset Street (Common to furthermost bound of Leonard Street)
Daniels Carpenter Court
Fales Place
Garfield Street
Gilmore Street
Glenwood Avenue
Granite Street
Gray Road
Leonard Street
Liberty Street
Main Street (Common to furthermost bound of Daniels Carpenter Court)
Maple Avenue
Maple Place
Market Street
Mechanic Street (Common to furthermost bound of Maple Avenue)
Orchard Place
Pettee Place
Railroad Avenue
Sherman Street
South Street (Common to furthermost bound of Union Street)
Union Street
Wall Street

9.2.3 Establishment of the Design Review Board. A Design Review Board is hereby established and shall review all applications subject to the provisions of this Section, and shall issue conditions and forward these to the appropriate board concerning the conformance of the proposed project to the design review standards contained herein. The Design Review Board shall consist of five (5) members who shall be appointed as follows:

1. One (1) member from the Planning Board appointed by the Planning Board;
2. One (1) member from the Historical Commission appointed by the Historical Commission; and
3. Three (3) members at large appointed by the Board of Selectmen, at least one (1) of whom shall be a merchant or property owner in the District. If possible, one (1) member should be a registered engineer or architect.

The term of the members of the Design Review Board shall be three (3) years, except that when the Design Review Board is originally established, the Board of Selectmen shall make two (2) of their appointments for a two (2) year term and the remaining appointment shall be for a one (1) year term.

9.2.4 Applicability. Within the Design Review District, only the following exterior activities which require approval through Site Plan Review or a Special Permit shall be subject to review by the Design Review Board:

1. All new structures;

2. Additions to existing structures;
3. Alterations to existing structures;
4. Changes in site design.

9.2.5 Standards. The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed activity:

1. The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the surrounding area.
2. The relationship of a structure to the open space between the structure and adjoining structures should be compatible.
3. The design of the roof should be compatible with the architectural style and character of the surrounding buildings.
4. The scale of the structure should be compatible with the character of the surrounding buildings.
5. Facades shall blend with other structures in the surrounding area with regard to the dominant vertical or horizontal expression.
6. Architectural details including signs, materials, colors, and textures shall be treated so as to be compatible with its original architectural style and to preserve and enhance the character of the surrounding area.
7. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and when such design is compatible to the District.

9.2.6 Procedures. Applications for all activities subject to review by the Design Review Board shall be made by completing a building permit application form and submitting it to the Building Commissioner. Application forms are available from the Building Commissioner's office. The Building Commissioner shall forward the application to the Design Review Board and shall notify the appropriate Town Board if Site Plan Approval or a Special Permit is required.

1. Upon receipt of an application, the Design Review Board must, within twenty-one (21) days, submit any recommendations to the appropriate board. Failure of the Design Review Board to make recommendations within the twenty-one (21) day period shall be deemed a lack of opposition thereto.
2. The appropriate board shall consider any recommendations in its review of the application. It shall have the authority to include any recommendation(s) made by the Design Review Board when approving the application for the proposed activity.

9.4 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD) – *excerpt*

9.4.9 Use Regulations For All Resource Areas; Special Permit Uses. The following uses may be allowed by the grant of a Special Permit.

1. Golf courses.
2. Any nonresidential or multi-family use that will render impervious more than fifteen (15%) percent or 2,500 square feet (whichever is greater) over that portion of the lot within WRPOD.
3. Any non residential or multi-family use outside of the WRPOD, which directs surface-water flows from impervious areas greater than 2,500 square feet into a WRPOD.
4. A pre-existing, nonconforming, nonresidential or multi-family structure or use shall not be altered, reconstructed, extended without a Finding and a Special Permit based upon the requirements herein.

9.6 CHESTNUT-PAYSON OVERLAY DISTRICT (CPOD) – *excerpts*

9.6.1 Purpose. It is the purpose of this Section:

1. To permit the implementation of the Reuse Consensus Plan for Foxborough State Hospital Property dated April 20, 1994, amended September 5, 2002. This will permit the total construction of one hundred fifty-two (152) total residential units in the CPOD.
2. To permit maximum flexibility and creativity in design for the development of single or multi-purpose uses on a lot, in a way that will be superior to conventional plans.
3. To promote the most harmonious use of the land's natural features, resources and topography that will promote the general health and safety of the public.
4. To discourage sprawled development, minimize environmental disruption, and provide a shorter network of streets and utilities, which will promote a more efficient distribution of services.
5. To provide for an innovative approach to mixing building types and controlling densities.

9.6.2 Overlay District. The Chestnut-Payson Overlay District (CPOD) is established as an overlay district encompassing the area more particularly delineated on the plan entitled "Chestnut-Payson Overlay District (CPOD) Plan in Foxborough, MA" prepared by Bay Colony Group, dated October, 2002. The parcels are labeled on the plan as parcels E-3, F-1, F2-A, F2-B, H, and I. This map shall be considered as superimposed over other districts established by these By-Laws. The map as it may be amended from time-to time, is on file with the office of the Town Clerk and with the Building Commissioner, and together with any explanatory material thereon, is hereby incorporated in and made part of these By-Laws.

6.3 Special Permit. A Special Permit may be granted by the Planning Board to allow for single or multipurpose integrated commercial and/or residential uses on a lot in the CPOD. This Special Permit is not limited to an individual lot, but one application may be submitted and reviewed for a single Special Permit for multiple lots provided that such lots are under single ownership or if it can be demonstrated that all owners within the CPOD have agreed to join in the application for a Special Permit.

9.6.4 Uses Allowed and Not Allowed in the CPOD. All uses allowed in the underlying zoning district shall be allowed for those parcels in the CPOD, unless amended by this Section 9.6. The following uses may be permitted within the underlying zoning district are not permitted within the CPOD:

1. Temporary parking lots, whether paved or unpaved, serving uses with seating capacities of over 7,500 people within the Special Use Zoning District.
2. Mobile homes/travel trailers.
3. Cemeteries.
4. Seasonal migrant workers quarters, mobile home or watchman's quarters as accessory uses to be permitted industrial uses.
5. Outdoor storage or overnight parking of buses, trucks or other vehicles whose Gross Vehicle Weight (GVW) as determined by Mass. Registry of Motor Vehicles equals or exceeds 10,000 pounds.

9.6.5 Uses Allowed by Special Permit. The following additional uses not specified in Table 3-1 shall be allowed by Special Permit in the CPOD if the use is not allowed in the underlying zoning district. Also, if the following uses, as specified in Table 3-1, are not

permitted in the underlying zoning district, they too shall be allowed by Special Permit in the CPOD:

1. Attached Single-Family Housing.
2. Assisted Living Facilities.
3. Open Space Residential Developments.
4. Sewage treatment plants and sewage treatment facilities.
5. Water tanks and towers, emergency generators, water filtration plants, utility facilities, power plants and substations.
6. Parking lots constructed to the standards set forth in Section 6.1 of these By-Laws.
7. All land and buildings that are used for display and sale purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public, including among others retail stores, shops and sales rooms, restaurants with seating. Sale of high hazard materials or products shall be governed by the provisions noted in Table 3-1.
8. Mercantile/retail uses, except restaurants with seating, which use more than twentyfive (25%) percent of the gross area of a building.
9. All land and buildings that are used for the transaction of business, for the rendering of professional or tradesman services, or for other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to office uses or similar purposes.
10. Research and Development facilities.
11. Laundry or Dry Cleaning facilities.
12. Theatres.
13. Museums with or without an auditorium in which persons assemble for amusement, entertainment or recreation and incidental motion picture, dramatic or educational presentations, lectures or similar purposes.
14. Private Schools.
15. All land and buildings for housing people suffering from physical limitations, including, among others, hospitals, sanitariums, infirmaries, orphanages, and institutions licensed by the Commonwealth of Massachusetts.
16. Dormitories.
17. Multifamily dwellings.
18. Public Utility facilities and structures necessary to the service of the Town, excluding storage yards, power plants, water filter plants, sewage treatment and refuse facilities.
19. Telecommunications/Wireless Communications Facilities (see Section 7.2) as accessory use.
20. Commuter rail stations, bus stations, and related or accessory structures and improvements.
21. Passive outdoor recreational uses such as beaches, parks, picnic groves, and other similar uses, but not including amusement parks.
22. Low density recreational uses that predominantly occur within a building such as swimming, tennis, skating and other similar uses.
23. Outdoor recreational uses, including golf driving ranges, miniature golf courses, batting cages, go-carts and bumper boats (except in the Water Resource Protection Overlay District, where such uses shall be prohibited), but not including amusement parks.
24. Accessory uses to multifamily dwellings which are located within the principal building and are limited to: eating establishments; personal service establishments; retail sales establishments selling convenience merchandise.

25. Accessory Structures to multifamily structures.
26. Nonresidential Accessory Uses and structures that do not exceed fifteen (15%) percent of the gross area of the principal building or buildings.

9.6.6 Dimensional Requirements. The requirements of Table 9-1 shall apply:

Table 9-1 DIMENSIONAL REGULATIONS FOR CHESTNUT-PAYSON DISTRICT									
USE	FRONTAGE (ft.)	YARDS (ft.)			BUILDING HEIGHT		MAXIMUM LOT COVERAGE	MINIMUM LOT WIDTH (ft.)	
		Front	Side	Rear	Stories	Feet		Distance from Street	Width
Attached Single Family Housing	30	10	0	20	2.5	35	85%	0	0
Multi-family Housing (including dormitories)	200	20	20	20	3	40	85%	100	67
Assisted Living, Age Restricted Senior Housing	200	20	20	20	3	40	85%	100	67
Non-residential (including Hotel/Motel)	200	15	0	20	3	40	85%	0	0

9.6.7 Notes to Table. These notes apply only to the specific uses listed in Table 9-1.

1. More than one dwelling structure may be located on a lot within the CPOD.
2. Attached Single-Family Housing uses require the formation of a homeowners association or other provision for on-going maintenance. Properties must have sideyards between groups of buildings.
3. The Planning Board may approve reduced yards where either the clustering of buildings is shown to reduce additional impervious surface and/or if there is reuse of the existing buildings.
4. Note 2 in Table 4-1 does not apply.
5. For CPOD applications that include use of a substantial portion of those buildings under the protection of the Massachusetts Historical Commission (particularly the Main Building wings A-E), there is a density bonus of thirty (30%) percent, applicable to all residential uses within the CPOD.
6. Height restrictions shall apply to any newly constructed building in the CPOD. Height restrictions shall not apply to any structures existing as of January 1, 2002, even when such structures are modified, reconstructed or restored, so long as the height thereof is not increased. For CPOD applications that include use of those building under the protection of the Massachusetts Historical Commission, newly constructed buildings within the CPOD shall be no more than three (3) stories, not to exceed forty-two (42) feet.
7. Maximum Lot Coverage for nonresidential uses in the CPOD shall be eighty-five (85%) percent.
8. Those dimensional restrictions established in Table 4-2 that are imposed when a nonresidential use abuts a residential district do not apply to the CPOD.
9. The provisions of Sections 6.4.4 and 6.4.5 of these By-Laws shall not apply to uses

within the CPOD as there is no required side yard setback and in certain cases only a ten (10) foot front yard requirement within this district. Where possible, a five (5) foot landscaped strip shall be located in the required front yard of uses within the CPOD.

10. The Planning Board may allow for common driveways within the CPOD.

11. For side yards, a setback of twenty (20) feet will be required between buildings in the CPOD and existing residential developments in adjoining districts.

12. Maximum residential density shall be as follows:

a. Attached single family housing: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.

b. Multi-family housing, including dormitories: three (3) dwelling units per 32,250 square feet of lot area; additional dwelling units shall require 6,125 square feet lot area each.

c. Assisted Living, Age Restricted Senior Housing: seven (7) dwelling units per acre.

Appendix II: Eligible Subsidy Programs

Note: This listing does not attempt to be all-inclusive because of the large number of housing related programs and programs that have a housing component. This list provides examples of programs that are frequently mistaken as an eligible housing program.

State Programs

- Affordable Housing Trust Fund
- Chapter 167 (Special Needs Housing)
- Chapter 200 (Veterans' Housing)
- Chapter 667 (Elderly Low Income Housing)
- Chapter 689 (Special Needs Housing)
- Chapter 705 (Family Low Income Housing)
- DHCD Capital Improvement and Preservation Fund (CIPF)
- DHCD Commercial Area Transit Node Housing Program (CATNHP)
- DHCD Community Based Housing Program (CBH)
- DHCD Community Development Block Grant (CDBG) including:
    - Homeowner Rehab, HDSP (some uses), and CDF (some uses)
- DHCD Facilities Consolidation Fund (FCF)
- DHCD Homeownership Opportunity Program (HOP)
- DHCD Housing Innovations Fund (HIF)
- DHCD Housing Stabilization Fund (HSF)
- DHCD Local Initiative Program (LIP)
- DHCD Mass Rental Voucher Program (MRVP) Project Based Vouchers Only
- DHCD Tax Exempt Local Loans to Encourage Rental Housing (TELLER)
- DMH Community Based Housing (Group Homes)
- DMR Community Based Housing (Group Homes)
- MGL Chapter 40R (Smart Growth Zoning Act)
- Massachusetts Low Income Housing Tax Credits (LIHTC)
- Massachusetts Housing Partnership Fund (MHP) MATCH Program
- Massachusetts Housing Partnership Fund (MHP) Permanent Rental Financing Program
- EOT Transit Oriented Development (TOD) Infrastructure & Housing Support Program
- MassHousing Chapter 13A Interest Reduction Subsidy Program
- MassHousing Chapter 236 Program
- MassHousing 80/20
- MassHousing Elder Choice
- MassHousing Expanding Rental Affordability (ERA)
- MassHousing Housing Starts
- MassHousing Multi-Family Rental
- MassHousing Options for Independence
- MassHousing Rental Development Action Loan (RDAL)
- MassHousing State Housing Assistance for Rental Production (SHARP)

Federal Programs

- FHLBB Affordable Housing Program (AHP)

- FHLBB New England Fund (NEF)
- Federal Low Income Housing Tax Credit Program (LIHTC)
- HUD CDBG (Homeowner Rehabilitation in some cases)
- HUD Federal Public Housing
- HUD HOME Program (Rental Production, Project-Based Homeownership, Homeowner Rehab)
- HUD Section 202 (Supportive Housing for the Elderly)
- HUD Section 221(d)(3)
- HUD Section 231
- HUD Section 236
- HUD Section 8 Demonstration Disposition (administered by MassHousing)
- HUD Section 8 Mark-to-Market (administered by MassHousing)
- HUD Section 8 Moderate Rehabilitation Program (some units administered through DHCD)
- HUD Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program
- HUD Section 8 New Construction
- HUD Section 8 Project Based Assistance
- HUD Section 8 Project-Based Rental Certificate Program
- HUD Section 8 Substantial Program
- HUD Section 811 (Supportive Housing for Persons with Disabilities)
- HUD Shelter Plus Care (Project-Based Rental Assistance and SRO-Based Assistance only)
- USDA Rural Housing Service (RHS) Rural Rental Housing 515 Program
- Ineligible Subsidy Programs

The following programs, as well as programs not appearing anywhere on this listing are not usually deemed low- or moderate-income housing programs for purposes of G.L. c. 40B§ 20-23, 760 CMR 56.00.

- DHCD Alternative Housing Voucher Program (AHVP)
- DHCD Community Development Action Grant (CDAG)
- DHCD Massachusetts Rental Voucher Program (formerly Chapter 707 Program)
- DHCD Soft Second Loan Program (also administered through MHP)
- Hospitals
- HUD Shelter Plus Care (Tenant-Based Rental Assistance, Sponsor-Based Rental Assistance)
- HUD Emergency Shelter Grants Program
- HUD HoDAG (Housing Development Action Grant)
- HUD HOME Program (Tenant Based Rental Assistance, Homeownership Purchaser Based)
- HUD HOPE (Home Ownership for People Everywhere)
- HUD Section 8 Housing Choice Voucher Program (HCVP)
- HUD Section 8 Loan Management Set-Aside Program
- HUD Section 8 Property Disposition Set-Aside Program
- HUD Section 8 Rental Certificate Program
- HUD Section 221(d)(2) & 221(d)(4)
- HUD Urban Development Action Grant (UDAG)
- Military Housing
- Prisons
- Special Needs Schools
- USDA Rural Development Section 502 Program

Appendix III: Potential Partners for Affordable Housing

Foxborough Commission on Disability (FCOD)
www.foxboroughma.gov/Pages/FoxboroughMA_BComm/disabledcitizens

FCOD's mission is to promote equal access to community life and activities for people with disabilities. The Commission works as an advisory group within the Town to promote awareness and education about the needs and rights of people with disabilities by providing information on accessibility programs, housing and access to public buildings and entities.

Foxborough Council on Aging
www.foxboroughma.gov/Pages/FoxboroughMA_COA/index

The Foxborough Council on Aging and Human Services in partnership with the community aims to provide the highest quality of services and programs available to meet the ongoing needs of all Foxborough residents. It is a human services agency that assists Foxborough residents of any age in need of social services interventions. It is also responsible for meeting the needs of any Foxborough resident, 60 years old and over, through outreach programs and services designed to help them maintain their independence in the community. The Council also operates the Foxborough Senior Center.

Foxborough Housing Authority
www.foxboroughma.gov/Pages/FoxboroughMA_BComm/housingauthority

The Foxborough Housing Authority provides housing for seniors. Contact 508-543-5960 for more details about applying for housing and income restrictions.

Old Colony Habitat for Humanity
www.oldcolonyhabitat.org

Old Colony Habitat for Humanity is a locally run affiliate of Habitat for Humanity International, a nonprofit, ecumenical Christian housing organization. Habitat for Humanity is dedicated to providing decent, affordable housing in partnership with families in need. Old Colony Habitat for Humanity was founded in 1989 as Attleboro Area Habitat for Humanity. Over the years, through the reach and support of our volunteers, we have continued to expand our service area. Most recently, in 2007, Bellingham and Franklin were added to support area. Today, we service 12 communities, including Attleboro, Bellingham, Foxborough, Franklin, Mansfield, Norfolk, North Attleboro, Norton, Plainville, Rehoboth, Seekonk, and Wrentham.

St Mark's Episcopal Church
www.stmarksfx.org

St Mark's Church was founded in 1891. Its programs have included a food pantry and Life Building Fund for emergency support of those in need of food, shelter, or clothing, a community service program, a Norfolk prison fellowship, and a town-wide interfaith counseling plan.

South Middlesex Opportunity Council (SMOC)

www.smoc.org

SMOC's mission is to improve the quality of life of low-income and disadvantaged individuals and families by advocating for their needs and rights; providing services; educating the community; building a community of support; participating in coalitions with other advocates and searching for new resources and partnerships. SMOC has articulated a number of principles to which it aligns its work. On the right to housing and the abolishment of homelessness, "SMOC believes housing is a right, not a privilege and that homelessness should be abolished. Every person has a fundamental right to a decent, safe, healthy and stable home. We also believe that any person without a permanent, habitable housing situation is homeless."

Housing Resources for Veterans and People with Disabilities

Veterans receive preference in tenant selection for state-aided public housing, e.g. the Foxborough Housing Authority (site developments that are state-aided), per *M.G.L. ch. 200, Acts of 1948; M.G.L. ch. 121B, s.1 and s.32; 760 CMR 7.04 They also receive preference should they experience displacement* by any low-rent housing project or by a public blight demolition or urban renewal project or who were displaced within three years prior to applying for low-rent housing, when equally in need and eligible for occupancy as other applicants. Veterans are given preference in tenant selection in the following order:

1. Families of disabled veterans whose disability has been determined by the U.S. Department of Veterans Affairs to be service-connected.
2. Families of deceased veterans whose death has been determined by the U.S. Department of Veterans Affairs to be service-connected.
3. Families of all other veterans.
4. The word "veteran" shall also include the spouse, surviving spouse, dependent parent or child of a veteran, and the divorced spouse of a veteran who is a legal guardian of a child of a veteran.

The Department of Veterans' Services funds a range of non-profit organizations that provide housing services to eligible veterans. These services range from emergency homeless shelters, group residences, to single occupancy (SRO) quarters. All maintain a sober and drug-free environment. The **Southeastern Massachusetts Veterans Housing Program**, Inc. in New Bedford provides short-term housing services for veterans. The **Veterans Transition House** also in New Bedford provides a transitional (longer stay) and supportive housing with services.

There are other State and Nonprofit programs that provide support to veterans including:

Consumer Education Center (MassHousing)
(800) 224-5124
www.masshousinginfo.org

Home Modification Loan Program
(Massachusetts Rehabilitation Commission)
(617) 204-3739
www.mass.gov/mrc/hmlp

Homeless Women Veterans' Outreach and Case Management Program
VA Boston Healthcare System

150 S. Huntington Avenue (116B-3), Boston, MA 02130
(857) 364-4027

MassHousing's Home for the Brave Loan Program
(617) 854-1000
www.masshousing.com

Metropolitan Boston Housing Partnership
(800) 272-0990
www.mbhp.org

Rental Assistance through the VA Supported Housing Program

The VA Supported Housing (VASH) Program is a joint project of the Department of Veterans Affairs and the Department of Housing and Urban Development (HUD). VASH provides Section 8 vouchers to chronically homeless veterans with substance abuse and/or mental health issues.

The voucher provides a rent subsidy that generally covers rental costs in excess of 30% of the veterans' income. The goal of the program is to transition veterans from homelessness to independent subsidized housing by providing supportive, community-based case management services.

For information about eligibility requirements, contact the VASH Program Assistant at the VA Medical Center in Boston: (857) 364-4444.

Citizens' Housing and Planning Association (CHAPA)
www.chapa.org

The Citizens' Housing and Planning Association (CHAPA) maintains a registry of available affordable housing through MassAccess: http://www.massaccesshousingregistry.org/. A key feature of the Registry is to highlight homes for people with disabilities who need accessible or barrier-free housing. As of June 1, the following housing options were available for income-eligible people with disabilities:

Development	Development Details	Units Matching Your Search
667-1	**Town:** Foxborough, MA **Manager Name:** Margaret Adams **Site Phone:** (508)-543-5960 **Mobile Phone:** **TTY/TDD Phone:**	1-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 741)
705-C/Scattered Sites	**Town:** Foxborough, MA **Manager Name:** Margaret Adams **Site Phone:** (508)-543-5960	1-bedroom, Accessible/ Adaptable, Low/ Income-based (ID: 1824) 2-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 1825) 3-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 1826)

	Mobile Phone: **TTY/TDD Phone:**	
Baker Street Development	**Town:** Foxborough, MA **Manager Name:** Pat Adams **Site Phone:** 508-543-5960 **Mobile Phone:** **TTY/TDD Phone:**	2-bedroom, Has Barriers/ Stairs, Moderate $1502 (ID: 2300)
Cocasset Place Condominiums 	**Town:** Foxborough, MA **Manager Name:** Ruth Thetonia **Site Phone:** 508-726-0622 **Mobile Phone:** 508-726-0622 **TTY/TDD Phone:**	2-bedroom, Has Barriers/ Stairs, Moderate $177500 (ID: 8961)
Lodge at Foxborough	**Town:** Foxborough, MA **Manager Name:** Manager **Site Phone:** 866-612-2961 **Mobile Phone:** **TTY/TDD Phone:** 508-698-3699	1-bedroom, Accessible/ Adaptable, Market Rate (ID: 8162) 2-bedroom, Accessible/ Adaptable, Market Rate (ID: 8163)
N. Carl Annon Court I: 667-2	**Town:** Foxborough, MA **Manager Name:** Margaret A. Adams **Site Phone:** (508)-543-5960 **Mobile Phone:** **TTY/TDD Phone:** (508)-543-5960	1-bedroom, Accessible/ Adaptable, Low/ Income-based (ID: 5798) 1-bedroom, Elevator/ Ground Floor, Low/ Income-based (ID: 5799) 1-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 5800)
N. Carl Annon Court II	**Town:** Foxborough, MA **Manager Name:** Judy Varrill **Site Phone:** (603)-669-8551 **Mobile Phone:** **TTY/TDD Phone:**	1-bedroom, Accessible/ Adaptable, Low/ Income-based (ID: 5792) 1-bedroom, Elevator/ Ground Floor, Low/ Income-based (ID: 5793) 1-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 5794) 2-bedroom, Accessible/ Adaptable, Low/ Income-based (ID: 5795)

		2-bedroom, Elevator/ Ground Floor, Low/ Income-based (ID: 5796) 2-bedroom, Has Barriers/ Stairs, Low/ Income-based (ID: 5797)
The Lodge at Foxborough- Units with Income Restrictions 	**Town:** Foxborough, MA **Manager Name:** Heather Alesbrook **Site Phone:** 508-698-3699 **Mobile Phone:** **TTY/TDD Phone:**	1-bedroom, Accessible/ Adaptable, Moderate $1003 (ID: 8262) 1-bedroom, Elevator/ Ground Floor, Moderate $1003 (ID: 8263) 1-bedroom, Has Barriers/ Stairs, Moderate $1003 (ID: 8264) 2-bedroom, Elevator/ Ground Floor, Moderate $1188 (ID: 8265) 2-bedroom, Has Barriers/ Stairs, Moderate $1188 (ID: 8266)

Appendix IV: Town of Foxborough Subsidized Housing Inventory

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY - FOXBOROUGH, 3/29/2012							
DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp Permit?	Subsidizing Agency
1072	Centennial Court	41 Centennial Court	Rental	40	Perp	No	*DHCD*
1073	N. Carl Annon Court I	90 N. Carl Annon Ct.	Rental	64	Perp	No	*DHCD*
1074	n/a	65-67 Walnut Street	Rental	8	Perp	No	*DHCD*
1075	n/a	Scattered sites	Rental	9	Perp	Yes	*DHCD*
1076	Walnut Terrace	1-12 Walnut Terrace	Rental	12	Perp	No	*DHCD*
1077	n/a	Scattered sites	Rental	20	Perp	No	*DHCD*
1078	N. Carl Annon Court II	90 Carl Annon Ct.	Rental	64	2013*	No	*RHS*
4281	DDS Group Homes	Confidential	Rental	46	N/A	No	*DDS*
6474	Cocasset Place Condos	84 Cocasset Place	Owner-ship	3	perp	Yes	*MassHousing*
8688	Baker Street	56, 64, & 68 Baker Street	Rental	20	perp	YES	*MassHousing DHCD DHCD*
9031	The Lodge at Foxborough	400 Foxborough Blvd	Rental	250	Perp	YES	*MassHousing*
9214	Chestnut Green Apartments	30 Chestnut St	Rental	55	Perp	NO	*DHCD*
Foxborough Totals			591		Percent Subsidized Census 2010 Year Round Housing Units		6,853 8.62%

* N. Carl Annon Court II has rental units whose affordability expires in 2013.

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

Appendix V: Affirmative Fair Housing Marketing Plan

III. Affirmative Fair Housing Marketing Plan (Including Resident Selection)

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the Subsidized Housing Inventory (SHI) shall have an Affirmative Fair Housing Marketing Plan (AFHMP). *The affordable Use Restriction documents of said housing must require that the AFHMP, subject to the approval of the subsidizing or funding agency, shall be implemented for the term of the Use Restriction.* Affirmative Fair Housing requirements apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Department of Housing and Community Development (DHCD). In the case of M.G.L. c.40B projects, the AFHMP must be approved by the Subsidizing Agency.

The developer (Developer) is responsible for resident selection, including but not limited to drafting the resident selection plan, marketing, administering the initial lottery process, and determining the qualification of potential buyers and/or tenants. The Developer is responsible for paying for all of the costs of affirmative fair marketing and administering the lottery and may use in-house staff, provided that such staff meets the qualifications described below. The Developer may contract for such services provided that any such contractor must be experienced and qualified under the following standards.

Note: As used in these AFHMP Guidelines, "Developer" refers to the Project Developer and/or the entity with which the Developer has contracted to carry out any or all of the tasks associated with an AFHMP.

A. Developer Staff and Contractor Qualifications

The entity as well as the individual with primary responsibility for resident selection, whether in-house staff or a third-party contractor, must have substantial, successful prior experience in each component of the AFHMP for which the party will be responsible, e.g. drafting the plan, marketing and outreach activities, administering the lottery process and/or determining eligibility under applicable subsidy programs and/or qualifying buyers with mortgage lenders.

Subsidizing Agencies reserve the right to reject the qualifications of any Developer or contractor. However, generally, Developers or contractors that meet the following criteria *for each component*, as applicable, will be considered to be qualified to carry out the component(s) for which they are responsible:

- The entity has successfully carried out similar AFHMP responsibilities for a minimum of three (3) projects in Massachusetts *or* the individual with primary responsibility for the resident selection process has successfully carried out similar AFHMP responsibilities for a minimum of five (5) projects in Massachusetts.

- The entity has the capacity to address matters relating to English language proficiency.

- "Successfully" for the purposes of these Guidelines means that, with respect to both the entity and the relevant staff, (a) the prior experience has not required intervention by a Subsidizing Agency to address fair housing complaints or concerns; and (b) that within the past five (5) years, there has not been a finding or final determination against the entity or staff for violation of any state or federal fair housing law.

B. Affirmative Fair Housing Marketing Plan

The Developer shall prepare the following materials which shall comprise an AFHMP:

- Informational materials for applicants including a general description of the overall project that provides key information such as the number of market/affordable units, amenities, number of parking/garage spaces per unit, distribution of bedrooms by market and affordable units, accessibility, etc.

- A description of the eligibility requirements.

- Lottery and resident selection procedures.

- A clear description of the preference system being used (if applicable).

- A description of the measures that will be used to ensure affirmative fair marketing will be achieved including a description of the affirmative fair marketing and outreach methods that will be used, sample advertisements to be used, and a list of publications where ads will be placed.

- Application materials including:
    - The application form.
    - A statement regarding the housing provider's obligation not to discriminate in the selection of applicants, and such a statement must also be included in the application materials.
    - Information indicating that disabled persons are entitled to request a reasonable accommodation of rules, policies, practices, or services, or to request a reasonable modification of the housing, when such accommodations or modifications are necessary to afford the disabled person equal opportunity to use and enjoy the housing.[12]
    - An authorization for consent to release information.

- For homeownership transactions, a description of the use restriction and/or deed rider.

The Subsidizing Agency must approve the AFHMP before the marketing process commences. In the case of a Local Action Unit (LAU), DHCD and the municipality must approve the AFHMP.

[12] It is important to remember that legal obligations with respect to accessibility and modifications in housing extend beyond the Massachusetts Architectural Access Board requirements, including federal requirements imposed by the Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act. Under state law, in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units (see M.G.L. c. 151B, § 1 for definitions), reasonable modification of existing premises shall *be at the expense of the owner* or other person having the right of ownership if necessary for the disabled person to fully enjoy the premises. M.G.L. c. 151B, § 4(7A). See also 24 C.F.R. part 8 for Rehabilitation Act requirements of housing providers that receive federal financial assistance.

The AFHMP shall be applied to affordable units[13] upon availability for the term of affordability and must consist of actions that provide information, maximum opportunity, and otherwise attract eligible persons protected under state and federal civil rights laws that are *less likely to apply*.

Outreach and Marketing

Marketing should attract residents outside the community by extending to the regional statistical area as well as the state.

- Advertisements should be placed in local and regional newspapers, and newspapers that serve minority groups and other groups protected under fair housing laws. Notices should also be sent to local fair housing commissions, area churches, local and regional housing agencies, local housing authorities, civic groups, lending institutions, social service agencies, and other non-profit organizations.

- Affordable units in the Boston Metro Area (Boston-Cambridge-Quincy MSA) must be reported to the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House). Such units shall be reported whenever they become available (including upon turnover).

- Affordable and/or accessible[14] rental units must be listed with the Massachusetts Accessible Housing Registry whenever they become available (including upon turnover). See http://www.chapa.org.

- Available affordable ownership units must also be listed with CHAPA's lottery website (see http://www.chapa.org) and with the Massachusetts Affordable Housing Alliance (MAHA) website (see http://www.mahahome.org).

- Marketing should also be included in non-English publications based on the prevalence of particular language groups in the regional area. To determine the prevalence of a particular language by geographical area, see for example http://www.doleta.gov/reports/CensusData/LWIA_by_State.cfm?state=MA .

All marketing should be comparable in terms of the description of the opportunity available, regardless of the marketing type (e.g., local newspaper vs. minority newspaper). The size of the advertisements, including the content of the advertisement, should be comparable across regional, local, and minority newspapers.

Advertisements should run a minimum of two times over a sixty day period and be designed to attract attention. Marketing of ownership units should begin approximately six months before the expected date of project occupancy.

[13] The advertising component of the AFHMP applies to all units.

[14] Note: The owner or other person having the right of ownership shall, in accordance with M.G.L. c. 151B, §4(7A), give at least fifteen days notice of the vacancy of a wheelchair accessible unit to the Massachusetts Rehabilitation Commission. Said statute also requires the owner or other person having the right of ownership to give timely notice that a wheelchair accessible unit is vacant or will become vacant to a person who has, within the past 12 months, notified the owner or person or person having the right of ownership that such person is in need of a wheelchair accessible unit.

Pursuant to fair housing laws,[15] advertising must not indicate any preference or limitation, or otherwise discriminate based on race, color, disability, religion, sex, familial status, sexual orientation, national origin, genetic information, ancestry, children, marital status, or public assistance recipiency. Exceptions may apply if the preference or limitation is pursuant to a lawful eligibility requirement. All advertising depicting persons should depict members of classes of persons protected under fair housing laws, including majority and minority groups.

The Fair Housing logo ( ) and slogan ("Equal Housing Opportunity") should be included in all marketing materials. The logo may be obtained at HUD's website at: http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm .

Availability of Applications

Advertising and outreach efforts shall identify locations where the application can be obtained. **Applications shall be available at public locations including one that has some night hours; usually, a public library will meet this need.** The advertisement shall include a telephone number an applicant can call to request an application via mail.

Informational Meeting

In addition, the lottery administrator must offer one or more informational meetings for potential applicants to educate them about the lottery process and the housing development. These meetings may include local officials, developers, and local bankers. The date, time, and location of these meetings shall be published in ads and flyers that publicize the availability of lottery applications. The workshops shall be held in a municipal building, school, library, public meeting room or other accessible space. Meetings shall be held in the evening or on weekend days in order to reach as many potential applicants as possible. However, attendance at a meeting shall not be mandatory for participation in a lottery.

The purpose of the meeting is to answer questions that are commonly asked by lottery applicants. Usually a municipal official will welcome the participants and describe the municipality's role in the affordable housing development. The lottery administrator will then explain the information requested on the application and answer questions about the lottery drawing process. The Developer should be present to describe the development and to answer specific questions about the affordable units. It is helpful to have representatives of local banks present to answer questions about qualifications for the financing of affordable units. At the meeting, the lottery administrator should provide complete application materials to potential applicants.

Homeownership – Establishing Sales Prices

Sale prices shall be established at the time of the initial marketing of the affordable units. Thereafter, the prices of homes can not be increased for lottery winners, even if interest rates and HUD income guidelines change.

For large, phased developments maximum sale prices of units sold in subsequent phases will be calculated prior to the start of marketing for each phase, or approximately 6 months prior to expected occupancy of the units. In such cases, each phase will require its own affirmative fair marketing efforts and lottery.

C. Local Preference

[15] 42 U.S.C. § 3604(c); M.G.L. c. 151B, § 4(7B).

If a community wishes to implement a local selection preference, it must:

- Demonstrate in the AFHMP the need for the local preference (e.g., the community may have a disproportionately low rental or ownership affordable housing stock relative to need in comparison to the regional area); and

- Demonstrate that the proposed local preference will not have a disparate impact on protected classes.

In no event may a local preference exceed more than 70% of the (affordable) units in a Project.

The Subsidizing Agency, and in the case of LAUs, DHCD as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences should be approved by the Subsidizing Agency (or DHCD in the case of LAUs) prior to including such language in the comprehensive permit or other zoning mechanism.

Allowable Preference Categories

1. Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.

2. Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.

3. Employees of Local Businesses: Employees of businesses located in the municipality.

4. Households with children attending the locality's schools, such as METCO students.

When determining the preference categories, the geographic boundaries of the local resident preference area should not be smaller than municipal boundaries.

Durational requirements related to local preferences, that is, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case.

Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality's schools, such as METCO students.

A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against disabled and elderly households in violation of fair housing laws.

Advertising should not have a discouraging effect on eligible applicants. As such, local residency preferences must not be advertised as they may discourage non-local potential applicants.

Avoiding Potential Discriminatory Effects

The local selection preferences must not disproportionately delay or otherwise deny admission of non-local residents that are protected under state and federal civil rights laws. The AFHMP should demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect. For

example, the community may move minority applicants into the local selection pool to ensure it reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area as described below. [16] However, such a protective measure may not be sufficient as it is race/ethnicity specific; the AFHMP must address other classes of persons protected under fair housing laws who may be negatively affected by the local preference.

To avoid discriminatory effects in violation of applicable fair housing laws, the following procedure should be followed unless an alternative method for avoiding disparate impact (such as lowering the original percentage for local preference as needed to reflect demographic statistics of the MSA) is approved by the Subsidizing Agency. If the project receives HUD financing, HUD standards must be followed.

A lottery for projects including a local preference should have two applicant pools: a local preference pool and an open pool. After the application deadline has passed, the Developer should determine the number of local resident minority households there are in the municipality and the percentage of minorities in the local preference pool. If the percentage of minority local resident households in the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area, the Developer should make the following adjustments to the local preference pool:

- The Developer should hold a preliminary lottery comprised of all minority applicants who did not qualify for the local preference pool, and rank the applicants in order of drawing.

- Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area.

- Applicants should be entered into all pools for which they qualify. For example, a local resident should be included in both pools.

- Minorities should be identified in accordance with the classifications established by HUD and the U.S. Census Bureau, which are the racial classifications: Black or African American; Asian; Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

D. Household Size/Larger Households Preference

General

Household size should be appropriate for the number of bedrooms in the home. It is appropriate to set a minimum. A maximum household size for the units may be established provided that:

Maximum allowable household size may not be more restrictive than the State Sanitary Code or applicable local bylaws, and may not violate state and federal civil rights laws.

Maximum allowable household size may not be more restrictive than the Large Household Preference established below.

[16] Note: This protective measure may not be dispositive with respect to discriminatory effects. For example, the non-local applicant pool may contain a disproportionately large percentage of minorities, and therefore adjusting the local preference pool to reflect demographics of the regional area may not sufficiently address the discriminatory effect that the local preference has on minority applicants. Therefore, characteristics of the non-local applicant pool should continually be evaluated.

Larger Household Preference
Within an applicant pool first preference shall be given to households requiring the total number of bedrooms in the unit based on the following criteria:

a. There is at least one occupant per bedroom.[17]

b. A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.

c. A person described in the first sentence of (b) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the lottery agent receives reliable medical documentation as to such impact of sharing.

Within an applicant pool second preference shall be given to households requiring the number of bedrooms in the unit minus one, based on the above criteria. Third preference shall be given to households requiring the number of bedrooms in the unit minus, two, based on the above criteria.

A "household" shall mean two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

Lottery drawings shall result in each applicant being given a ranking among other applicants with households receiving preference for units based on the above criteria. Household size shall not exceed State Sanitary Code requirements for occupancy of a unit (See 105 CMR 400).[18]

E. Lotteries

The Lottery Application
Resident selection must generally be based on a lottery, although in some cases it may be based on another fair and equitable procedure approved by the Subsidizing Agency.[19] A lottery procedure is preferred over a "first-come, first-serve procedure," as the latter procedure may disadvantage non-local applicants.

The application period should be at least 60 days. To ensure the fairness of the application process, applicants should not be required to deliver application materials and instead should be permitted to mail them.

The lottery application must address a household's:

- income
- assets

[17] Disabled households must not be excluded from a preference for a larger unit based on household size if such larger unit is needed as a reasonable accommodation.

[18] Note, however, that fair housing exceptions may apply: see HUD Fair Housing Enforcement—Occupancy Standard; Notice of Statement of Policy, Docket No. FR-4405-01 (1998).

[19] In the case of project based Section 8 properties where resident selection is to be performed by the housing authority pursuant to a Section 8 waiting list, a lottery procedure is not required.

- size and composition
- minority status (optional disclosure by the household)
- eligibility as a first-time buyer (for ownership units)
- eligibility for local preference

The lottery administrator shall request verification (e.g., three prior year tax returns with the W2 form; 5 most recent pay stubs for all members of the household who are working, three most recent bank statements and other materials necessary to verify income or assets).

Applicants cannot be required to use a specific lender for their pre-approval letter or their mortgage.

Only applicants who meet qualification requirements should be included in the lottery.

Lottery Procedure

Once all required information has been received, qualified applicants should be assigned a registration number. **Only applicants who meet the eligibility requirements shall be entered into a lottery. The lottery shall be conducted after any appeals related to the project have been completed and all permits or approvals related to the project have received final action.**

Ballots with the registration number for applicant households are placed in all lottery pools for which they qualify. The ballots are randomly drawn and listed in the order drawn, by pool. If a project has units with different numbers of bedrooms, units are then awarded (largest units first) by proceeding down the list to the first household on the list that is of appropriate size for the largest unit available according to the appropriate-unit-size criteria established for the lottery. Once all larger units have been assigned to appropriately sized households in this manner, the lottery administrator returns to the top of the list and selects appropriately sized households for smaller units. This process continues until all available units have been assigned to appropriately sized applicant households.

If the project includes units accessible or adaptable for occupancy by disabled persons, first preference (regardless of applicant pool) for those units shall be given to such disabled persons, including single person households, in conformity with state and federal civil rights laws.

The lottery administrator should retain a list of households who are not awarded a unit, in the order that they were drawn. If any of the initial renters/buyers do not rent/purchase a unit, the unit shall be offered to the highest ranked household on that retained list. This list may generally be retained and used to fill units for up to one year. However, other factors such as the number of households remaining on the list, the likelihood of the continuing eligibility of such households, and the demographic diversity of such households may inform the retention time of the list, subject to the approval of the Subsidizing Agency.

After the initial lottery, waiting lists should be analyzed, maintained, and updated (through additional marketing) so that they remain consistent with the objectives of the housing program and are adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.

Lottery Example

This theoretical lottery has an OPEN pool that includes all applicants and a LOCAL PREFERENCE pool with only applicants from the local area.

- Total applicants in lottery: 100

- Total minority applicants: 20
- The community in which the lottery takes place falls within the HUD Boston Metropolitan Statistical Area which has a minority population of 20.7%.

1. Determine the number of applicants who claim a LOCAL preference according to approved criteria.

2. Determine the number of minority applicants in the LOCAL preference pool.

3. Determine the percentage of minority applicants in the LOCAL preference pool.

Total Applicants in Local Preference Pool	Total Minority Applicants in Local Preference Pool	% Minority Applicants in Local Preference Pool
60	10	16.7%

Since the percentage of minority applicants in the LOCAL preference pool is below the percentage of minority residents in the HUD defined statistical area (16.7% as opposed to 20.7%), a preliminary lottery is required.

4. The 10 minority applicants who do not have LOCAL preference are entered into a preliminary drawing and assigned a rank based on the order of their draw. Minority applicants are added to the LOCAL preference pool in order of their rank until the LOCAL preference pool has at least as great a percentage of minority applicants as the larger statistical area. In this example, 4 applicants will be added to the LOCAL preference pool to bring the percentage of minority applicants up to 21.8%.

Total Applicants in Supplemented Local Preference Pool	To Total Minority Applicants in Supplemented Local Preference Pool	% Minority Applicants in Supplemented Local Preference Pool
64	14	21.8%

5. Draw all ballots from the adjusted LOCAL pool and assign rankings to each household. Preference for appropriately sized households will still apply and all efforts should be made to match the size of the affordable units to the legitimate need for bedrooms of each household.

6. Once all units for LOCAL residents have been allocated, the OPEN pool should proceed in a similar manner. All LOCAL residents should have ballots in both pools, and all minority applicants that were put in the LOCAL pool should remain in the OPEN pool as well.

F. Homeownership

1. Household Eligibility

A Subsidizing Agency housing program may establish eligibility requirements for homebuyers. In the absence of such provisions, the following requirements shall apply.

In addition to meeting the requirements for qualifying a Project or dwelling unit for the SHI (see Section II.A), the household shall not have owned a home within three years preceding the application, with the exception of:

a. displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;

b. single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);

c. households where at least one household member is 55 or over;

d. households that owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; and

e. households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

Individuals who have a financial interest in the development and their families shall not be eligible.

2. Final Qualification and Closing

Once the lottery has been completed, applicants selected to purchase units must be given a reasonable pre-specified time period in which they must secure financing. The Developer should invite the lottery winners to a loan application workshop. The Developer should make prior arrangements with local financial institutions with respect to financing qualified purchasers. Often such institutions will give preliminary approvals of loans, which make the remainder of the process more efficient for all parties.
Before a Purchase and Sale Agreement is signed, the lottery agent should submit income and asset documentation of the applicant to the Subsidizing Agency (to DHCD and the municipality in the case of a LAU). Income verification should include tax returns and W-2s from the past three years, five most recent pay stubs, three months recent bank statements and 401 K reports, reliable documentation as to other sources of income and assets. The Subsidizing Agency (to DHCD and the municipality in the case of a LAU) will then verify that the household's annual income does not exceed 80% of the area median income, or such lower income limit as may have been established for the particular project. The Subsidizing Agency (to DHCD and the municipality in the case of a LAU) also will verify that household assets do not exceed the maximum allowed. Closing of the sale will also be contingent on the Subsidizing Agency's (to DHCD and the municipality in the case of a LAU) approval of the buyer's financing.

Non-household members should not be permitted as co-signers of the mortgage.

3. Resales

AFHMP requirements apply to the housing for its duration. The AFHMP must include a plan, satisfactory to the Subsidizing Agency (to DHCD and the municipality in the case of a LAU), to address AFHMP requirements upon resale. The proposal must, at a minimum, require that units for re-sale to eligible purchasers be listed with CHAPA and MAHA's homeownership lottery sites as described above and establish minimum public advertising requirements. The proposal cannot

impose the AFHMP requirements upon a homeowner other than requiring compliance with requirements of a Use Restriction, reasonable public advertising, and listing with CHAPA and MAHA.

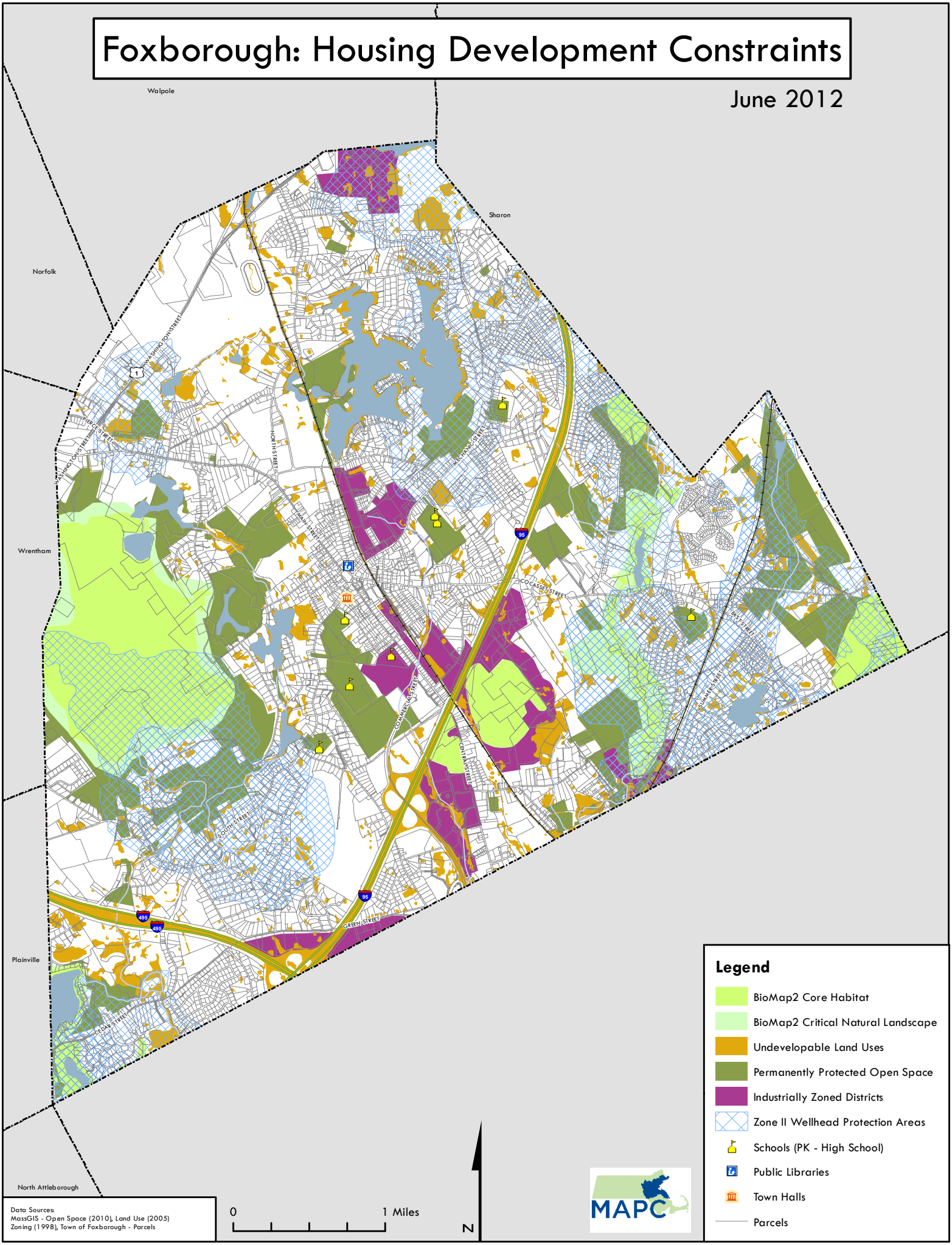
A “ready-buyer” list of eligible buyers maintained by the municipality or other local entity is encouraged. This list may be created through local, regional, and statewide lists and resources. As stated above, the list should continually be analyzed, maintained, and updated (through additional marketing) so that it remains consistent with the objectives of the housing program and is adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.

Appendix VI: Housing Maps

1. Housing Development Constraints
2. Land Use Development Status
3. Zoning for Already Developed Land (Redevelopable Land)
4. Sites Identified for Potential Housing Development

Foxborough: Housing Development Constraints

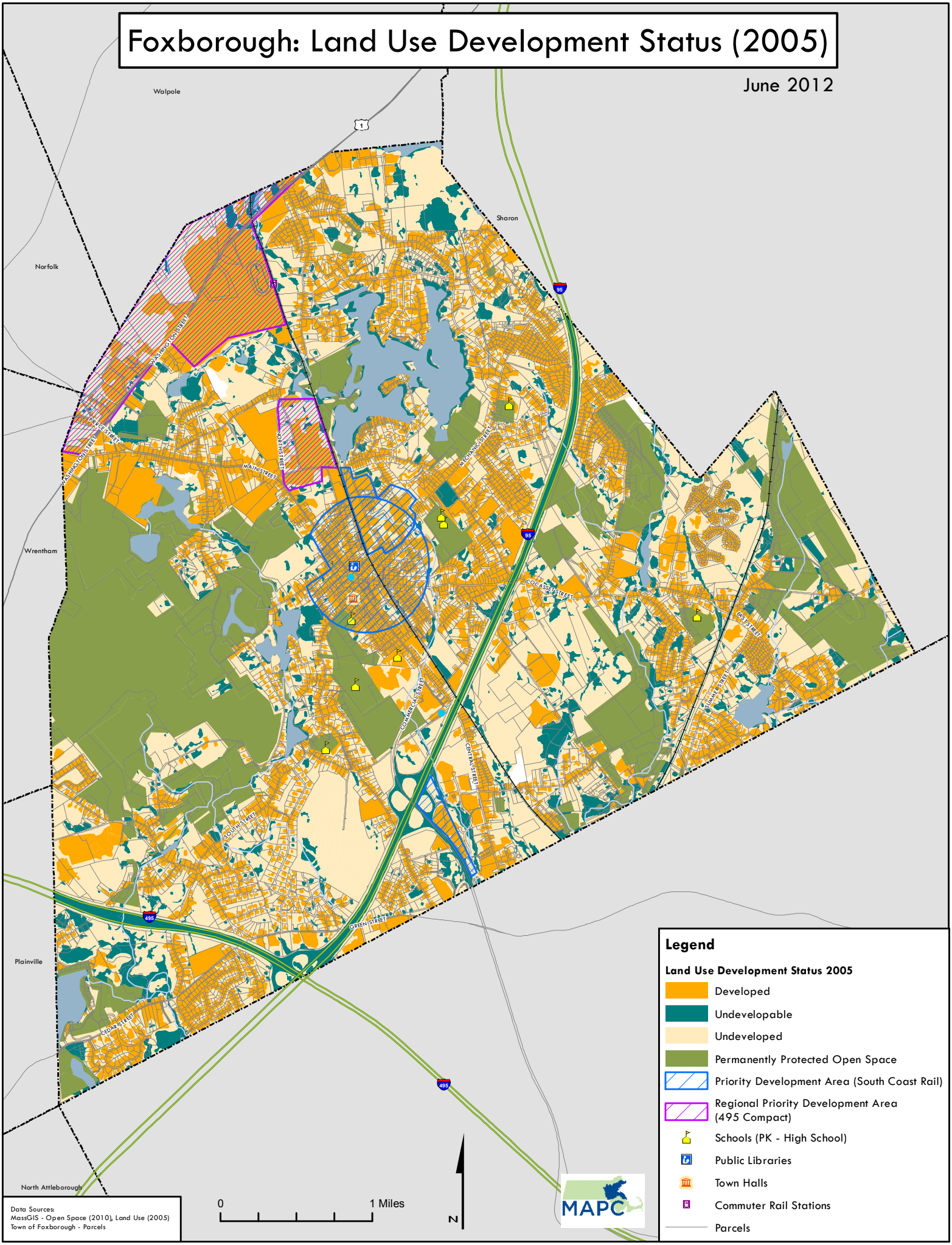
June 2012



Data Sources:
MassGIS - Open Space (2010), Land Use (2005)
Zoning (1998), Town of Foxborough - Parcels

Foxborough: Land Use Development Status (2005)

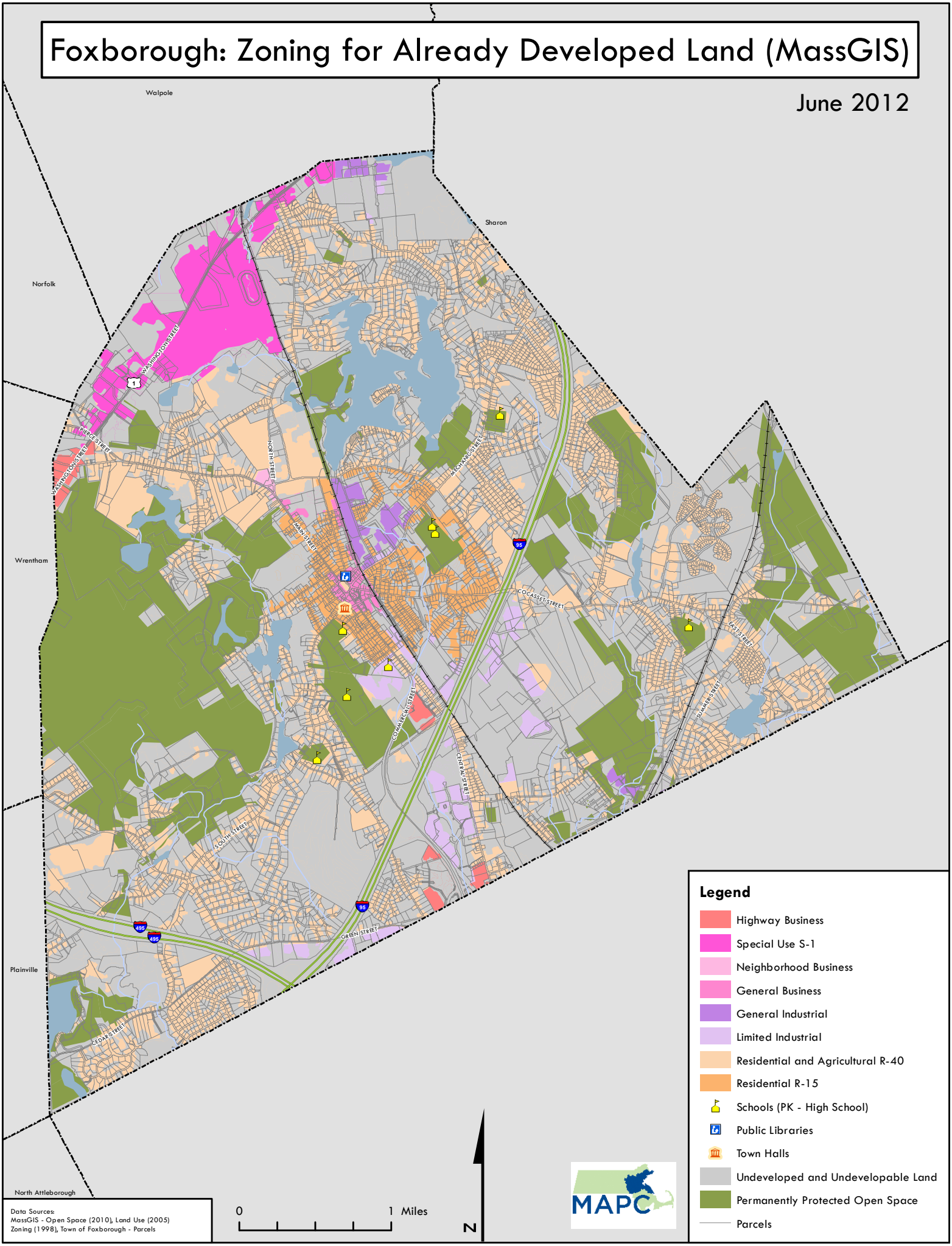
June 2012



Data Sources:
MassGIS - Open Space (2010), Land Use (2005)
Town of Foxborough - Parcels

Foxborough: Zoning for Already Developed Land (MassGIS)

June 2012

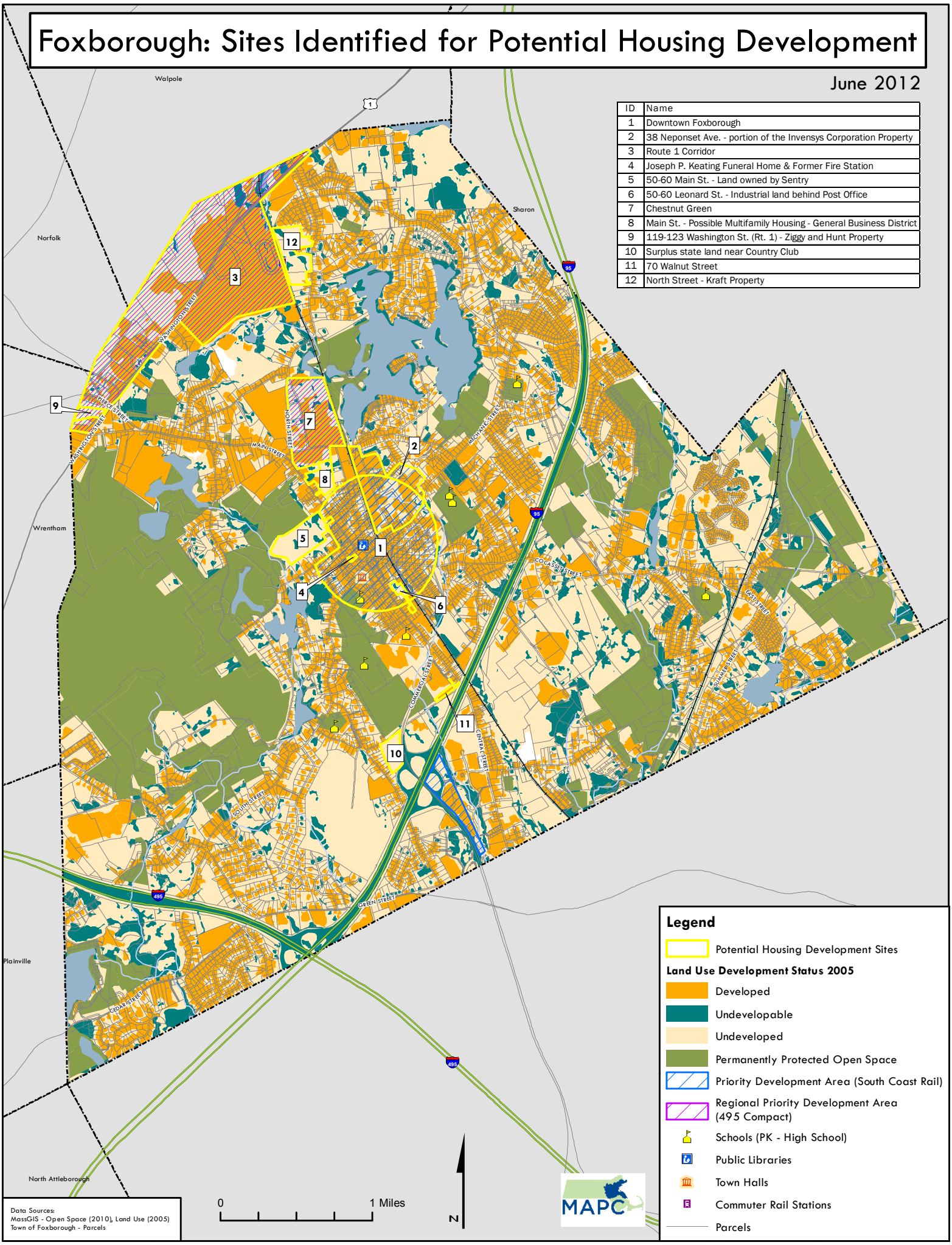


Data Sources:
MassGIS - Open Space (2010), Land Use (2005)
Zoning (1998), Town of Foxborough - Parcels

Foxborough: Sites Identified for Potential Housing Development

June 2012

ID	Name
1	Downtown Foxborough
2	38 Neponset Ave. - portion of the Invensys Corporation Property
3	Route 1 Corridor
4	Joseph P. Keating Funeral Home & Former Fire Station
5	50-60 Main St. - Land owned by Sentry
6	50-60 Leonard St. - Industrial land behind Post Office
7	Chestnut Green
8	Main St. - Possible Multifamily Housing - General Business District
9	119-123 Washington St. (Rt. 1) - Ziggy and Hunt Property
10	Surplus state land near Country Club
11	70 Walnut Street
12	North Street - Kraft Property



Data Sources:
MassGIS - Open Space (2010), Land Use (2005)
Town of Foxborough - Parcels