Welcome Home

Essex

2025 Housing Production Plan

Public Hearing Draft, January 2026



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Affordable Housing Trust Committee
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- Gordon Thompson, *Essex Housing Authority*

Special thanks to the Essex Board of Selectmen and the Essex Planning Board for their input, participation, and support during this planning process.

The planning team also thanks the Essex community for providing honest feedback that has made this plan reflective of Essex's housing needs. Sharing their valuable perspectives on the housing challenges, opportunities, and solutions in Essex greatly contributed to this plan.

Funding for this plan was provided by the Essex Affordable Housing Trust.

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Key Housing Terms

Affordable Housing: Housing that is deed restricted to cost no more than 30% of income for households meeting specific income thresholds. Typically, "Affordable Housing" is for low-income households, those at or below 80% of the area median income (AMI), but it can be reserved for those with lower or higher incomes. (See definitions for "low income," "very low income," and "extremely low income.") For the purposes of this plan, Affordable Housing refers to housing for low-income households, defined below, unless otherwise specified. For owners, housing costs include principal, interest, property taxes, and hazard insurance. For renters, costs include rent and tenant-paid utilities (except telephone and cable).

Alternative Housing Voucher Program (AHVP): A state voucher program offering rental assistance for people with a disability who are under 60. The AHVP program is designed to help people with disabilities live independently in housing they choose through mobile (tenant-based) rental vouchers.

Area Median Income (AMI): A measure of income set by the federal government and used by housing programs to determine eligibility for deed-restricted Affordable Housing based on income and household size. In 2024, the AMI for the geographic area that includes Essex is $148,900 for a four-person household (US Department of Housing & Urban Development).

Chapter 40B: Under the Massachusetts' Comprehensive Permit law, enacted in 1969, in municipalities where less than 10% of the year-round housing is Affordable Housing, developers of low- and moderate-income housing can pursue expedited local review under the comprehensive permit process and request a limited waiver of local zoning. If their application is denied or approved with conditions that render it uneconomic, developers can appeal to the state to overturn the local decision if it is found unreasonable. (Chapter 774 of the Acts of 1969; M.G.L.c.40B§20-23)

Comprehensive Permit: A permit that streamlines the development process of Low or Moderate Income Housing by consolidating local permitting. They may supersede various local requirements and regulations, including zoning, and are granted on a case-by-case basis by local zoning boards of appeal following a public hearing.

Cost Burden: Paying more than 30% of income on housing. Paying more than 50% of income on housing is called severe cost burden. In Essex, about 1/3 of households are considered cost-burdened (ACS, 2018-22).

Deed Restriction or Deed Rider: A legal mechanism that limits how a home can be used, who can live there, housing costs, and how the home can be transferred. This is the mechanism to ensure Affordable Housing is reserved for specific income groups at a price they can afford over a specified time period.

Extremely-low-income Household: A household with income below 30% of AMI.

Household: The people living together in the same house. A household can be a family, roommates, or a person living alone. The people living together in the same house. A household can be a family, roommates, or a person living alone.

Housing Choice Vouchers (Section 8 Voucher Program): The primary federal rental assistance program, administered by local public housing agencies, provides vouchers to very-low-income households that cover a certain amount of rent for privately-owned rental units. The maximum value of a Housing Choice Voucher is the cost of the area moderate-priced unit standard minus

Key Housing Terms

30% of the household's income.

Housing Production Plan (HPP): A community's proactive strategy for planning and developing affordable housing by creating a strategy to enable it to meet its affordable housing needs in a manner consistent with the Chapter 40B statute and regulation.

Inclusionary Zoning: A local zoning policy that requires or encourages developers of residential developments over a certain scale to include Affordable Housing or to make payments to the locality for development of such housing elsewhere. The policy typically offers incentives such as increased density, reduced parking requirements, or expedited permitting to offset the financial impacts of providing Affordable Housing.

Income: Money earned from doing work or received from investments.

Income-Eligible Household: A household that meets the income requirements of a housing program; these are typically low-income households defined as having incomes at or below 80% of AMI. In Essex, that's $117,250 for a 3-person household (US Department of Housing & Urban Development).

Local Median Income: The median income (the figure where half the households earn less and half the households earn more) in a municipality. The Town of Essex's median household income is $133,553. For homeowners, the median is 173,587; for renters, it is $39,583 (ACS, 2018-22).

Low-Income Household: Generally speaking, a household with income below 80% of AMI, including very low-income and extremely-low-income households (also defined here). More specifically—in the context of other income thresholds, such as very-low income and extremely-low income—low-income refers to households with income between 50% and 80% of AMI.

Market-Rate Housing: Housing that sells or leases at the "going rate" on the free market.

Massachusetts Rental Voucher Program (MRVP): A state-funded rental assistance program begun in 1992 that provides one of two kinds of vouchers: (1) The tenant-based voucher, known as mobile vouchers, can be used by income-eligible households to supplement the rent for any housing unit that meets the standards of the state sanitary code; (2) the project-based voucher is assigned to a specific housing unit or development in exchange for the owner renting these units to income-eligible tenants.

Moderate-Income Household: A household with income between 80% and 110% of AMI, sometimes as high as 120% of AMI. Unlike low-income thresholds, defined by federal housing programs, the term "moderate income" can vary depending on the local housing program.

Mixed-Income Housing Development: Development that includes housing affordable to households with different incomes, typically including market-rate housing and deed-restricted Affordable Housing for lower-income households.

Mixed-Use Development: Development that combines residential with commercial, office, industrial, institutional, or other uses.

Multifamily Housing: Buildings with more than one unit, such as apartment buildings, condominiums, townhouses, or duplexes. There is a wide range of multifamily housing that differs in scale and design.

Key Housing Terms

Naturally Occurring Affordable Housing (NOAH): Housing that tends to be less expensive due to size, age, or other characteristics. NOAH is not protected by deed restrictions or other mechanisms, so these homes may become unaffordable at any time, depending on investment, the market, and other factors. For this reason, they are not included in the calculation of town's Subsidized Housing Inventory (SHI) affordable housing percentage.

Single-Family Housing: A structure maintained and used as a single dwelling unit. Single-family housing is owned by a single owner, has no shared property or common walls, has private access to the street from the structure, and has only one set of utilities.

Subsidy: A form of financial aid given by the government to reduce the costs of a service or good, like housing.

Subsidized Housing Inventory (SHI): In Massachusetts, the SHI is maintained by the MA Executive Office of Housing & Livable Communities (EOHLC) and used to measure each municipality's supply of Affordable Housing for the purposes of Chapter 40B. The SHI includes all housing developed under Chapter 40B, including both Affordable Housing and market-rate units in rental developments, and other deed-restricted Affordable Housing, such as public housing, project-based vouchers, federal Low-Income Housing Tax Credit (LIHTC) projects, and many others.

Very-low Income Household: A household with income between 30% and 50% of AMI.



Executive Summary

Executive Summary

Purpose of the Housing Plan, "Welcome Home Essex"

"Welcome Home, Essex" is a Housing Production Plan (HPP), a non-binding recommendation to the Essex Board of Selectmen (BOS), the Planning Board (PB), and the town of Essex. This plan needs to be accepted by the BOS and the PB and then approved by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC). Actions recommended in this plan will typically require a vote by the BOS, a Town Meeting (TM) vote, or another public process.

This plan specifically addresses housing challenges in Essex. The effort to develop this plan has given the Essex community the opportunity to think about and discuss housing through a public process. The process began by identifying the Town's housing needs, including the types of housing needed, who it should serve, and how it would affect the community. Context communities were identified to analyze how Essex compares to similar towns in the region. Planning to meet Essex's housing needs also considers the requirements set upon the town by the Commonwealth through M.G.L. Chapter 40B and the Multifamily Zoning for MBTA Communities Section (3A), as well as the risks of non-compliance. This plan proposes a clear set of goals and strategies to meet local housing needs and state requirements.



Downtown Essex. Photo by John Cruz.

This plan is first of many plans to guide the Town's housing production goals and implementaion strategies. Each plan looks to the next five-years as a snapshot of the town's housing needs and market conditions. This process is reiterated and updated every 5 years. As this is Essex's first HPP, it is only the start.

It does not authorize any changes to the Town of Essex, nor does it give mandates to any person, board, or property owner. It serves as a record of data analysis, public input, and publicly vetted recommendations to guide the Town in the future, should a decision be made to move forward with next steps. This plan is non-binding and does not mandate any action. Every adopted HPP must be updated every five years to be certified with the state, so it may be used to give the Town control over 40B development. This plan can and will be updated in accordance with this standard, as well as to reflect changes in the housing needs of the people who call Essex home.

The biggest reason for completing this HPP is that Essex – like the state as a whole – has a shortage of housing available for both rent and ownership. Essex is a predominantly residential town, with many large lots for single-family homes. There is a dire need for a variety of housing types to accommodate a broader range of community needs. Feedback received during community engagement shows that the public wants new housing, Affordable or otherwise. New housing for ownership and rent could provide existing Essex residents with the opportunity to downsize without leaving Essex, allow young people to buy their first homes, and offer opportunities for seniors, veterans, middle- and low-income families, and more.

The second principal reason for this plan is to understand the effect of Massachusetts statute, Chapter 40B. This law seeks to add "Affordable Housing" throughout Massachusetts. It sets a goal that each city and town have Affordable Housing (also known as subsidized housing) that

amounts to 10% of the municipality's housing stock or 1.5% of its developable land area. Currently, only 2.58% of Essex's total housing stock and only 0.056% of its developable land area is designated for Affordable Housing. This means that, to comply with Chapter 40B, the Town would need an additional 115 units of qualifying housing or an additional 62 acres of land used for qualifying housing.

It is in Essex's best interest to create more Affordable Housing to address a significant need identified during this planning process. In Essex, 525 of 1,340 households — close to 40% — are eligible for Affordable Housing. Generally, households with income at or below 80% of the AMI. The 2024 AMI for Greater Boston is $160,900, and Essex's local AMI is $134,000. The income eligibility for future Affordable Housing units in Essex designated for individuals at 80% of the AMI would be $92,650 for a single-person household, $105,850 for a two-person household, $119,100 for a three-person household, and $132,300 for a four-person household.

The risk of noncompliance with Chapter 40B is that Essex is vulnerable to what is known as an "unfriendly 40B" or "hostile 40B" development. That is a situation in which a developer could buy a parcel of property in Essex, and as long as the developer sets aside 20 – 25% of the units it builds to be Affordable, the developer could override Essex's Zoning Bylaws with the ability to build taller and denser developments than anything that would be permitted under local zoning. While development costs and constraints have played a factor in Essex not being targeted by an unfriendly 40B development, it remains a possibility. These reasons, essentially, are why the plan is important. The town cannot address these needs immediately. Nor should it, as there are a variety of factors that must be considered so that Essex can navigate these challenges without drastically changing the town's character that people cherish.

To summarize, we found that:

- The town desires different types of housing that could serve multiple needs.
- Close to 40% of Essex residents would be eligible for Affordable Housing.
- The town does not currently meet the Affordable Housing requirements set by the Commonwealth of Massachusetts.
- Resident input when considering new development is essential for the town to move forward.

The town could also achieve a temporary "safe harbor" status from a 40B development, which would likely be inconsistent with local needs and wants. If the local and state authorities approve the plan, Essex could reach safe harbor through small-scale Affordable housing development.

New Affordable Housing (that moves Essex toward "safe harbor") can arise in several ways. First, the Town could — perhaps, with the help of state or federal grants — add units to the existing 40 units under the Essex Housing Authority. Second, a private developer could develop a property with suitable price restrictions, possibly with a governmental subsidy. Third, Essex could partner with a developer for a "friendly 40B," in which a certain portion of the units is set aside as affordable housing, and the remainder are available at market rates.

Further to the importance of meeting local housing goals, there is also the economic impact on Essex. The town's land use and tax base is overwhelmingly single-family homes, which leaves much of the town's budgetary burdens on the residential taxpayer. The tax rate can increase by no more than 2.5% annually, and any financial shortfalls may result in a tax override, which is voted on at Town Meeting. By developing Essex's available undeveloped locations suitable for Affordable Housing and providing opportunities for eligible home buyers to acquire a home in Essex, this will translate into additional tax revenue for the Town. Increasing local housing opportunities will yield positive economic outcomes and support the Town's operational activities.

1 Developable land determined using EOHLC's "Excluded Land" dataset.

Who will be eligible to live in the new housing that Essex needs to develop?

There is certainly a demand for Affordable Housing — the Essex Housing Authority and the Commonwealth of Massachusetts currently have a backlog of applicants for subsidized housing. Seniors, young people, essential workers, veterans, and others all need a greater variety of homes that suit their specific needs. The law allows Essex to set aside up to 70% of new Affordable Housing units for current Town residents, known as "local preference." This must be done in accordance with federal and state fair housing laws.

The Development Opportunities chapter, starting on page 80 of this report, sets out the properties — both Town-owned and private — that the Housing Committee has recommended that the Board of Selectmen first consider as sites for Affordable Housing and for progress toward a 40B "safe harbor." The Board of Selectmen will be free to consider other properties, but these sites have been identified as the best opportunities based on locations away from hazards like flooding risk and close to water and sewer infrastructure that could support small-scale multifamily housing. Public input was also collected during the site selection process.

How do Essex's housing challenges relate to the "MBTA Communities Statute", Section 3A?

Chapter 40B has been around for decades. Much newer is a state law, Chapter 40, Section 3A, adopted in 2022. This law does not require a Town to make any changes to its existing housing stock. Instead, 3A requires Essex to amend its existing Zoning Bylaws, specifying one or more locations where a builder (or more than one) may build at a density of 15 units per acre, with at least 83 such units as the maximum buildout for the district. At the Novemeber 2025 Town Meeting, changes to the Bylaws, specially two regulatory changes to the existing Downtown District, were approved. Pending a final approcval from EOHLC, these zoning changes ensure Essex complys with the 3A law, even if no builder decides to buy and build in the locations affected by the new zoning.

The state (EOHLC) has said it will consider compliance with 3A when making state funding decisions. Communities that do not comply will not be eligible for the MassWorks, Housing Choice, or Capital Projects Fund . Communities that have chosen not to comply with these regulations have already had grant funds revoked, had applications denied by the state, and have had all cases brought in Massachusetts courts ruled in favor of the state's power to create and enforce this statute.

Section 3A is specifically about housing production, regardless of whether it is market-rate or Affordable. The statute does not change Essex's opportunities or exposures under Chapter 40B.

The Community Preservation Act and the Affordable Housing Trust

Essex has adopted the state's Community Preservation Act (CPA). This means that Essex receives state funds collected from real estate transactions to match the CPA monies the Town collects from real estate taxes. Expenditures of these funds are limited to historic preservation, open space, recreation, and Affordable Housing. A certain minimum percentage of the expenditures from the Town's fund must be allocated to each of these areas. Since CPA was enacted locally, Town Meeting has held votes on the allocations of these funds recommended by Essex's CPA Committee.

Many towns that have adopted the CPA have also established an Affordable Housing Trust (Trust), as Essex has done. This is permitted under Mass. General Laws Chapter 44, Section 55c. Trust can assemble funds from the Town's allocation under the CPA, as well as funds that the Town might receive from state or federal grants, and use them to achieve the objectives set forth in the report and summarized above. The local enabling bylaw establishing the Affordable Housing trust is in the Appendix of this report.

2 For more info on Chapter 40A 3A, visit the state's 3A website at https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities

Physical, Natural Constraints Limit Development Opportunities

Essex's biggest development challenges are the physical and natural constraints that limit development potential. While there is an abundance of vacant, open space and forested land, much of it is undevelopable. Soil is either too soft to develop on or very hard rock, often with grade and elevation challenges. Limited municipal water and sewer infrastructure means many Essex residents rely on wells and/or septic systems, further limiting development options.

Essex, a coastal community, has ample open space. While there are athletic fields and other active recreation spaces, much of it is passive. Salt marshes, wetlands, wooded areas, and other undeveloped and difficult-to-develop areas are found in practically all parts of the town. These lands provide the community with a connection to nature and wildlife, offering opportunities for clamming, open-water enjoyment (boating, kayaking, etc.), fishing, and much more. The vast majority of these places are likely to remain undeveloped for the foreseeable future. They help put into focus where Affordable housing could go, through a process of eliminating where it would simply not make sense from practical and environmental standpoints.

Flooding, climate change, and sea level rise also play an important part in deciding Affordable Housing goals and strategies. Main Street in Essex's Downtown District is already prone to regular flooding, disconnecting the east and west portions of downtown. Sea level rise is expected to affect many properties in the coming decades.

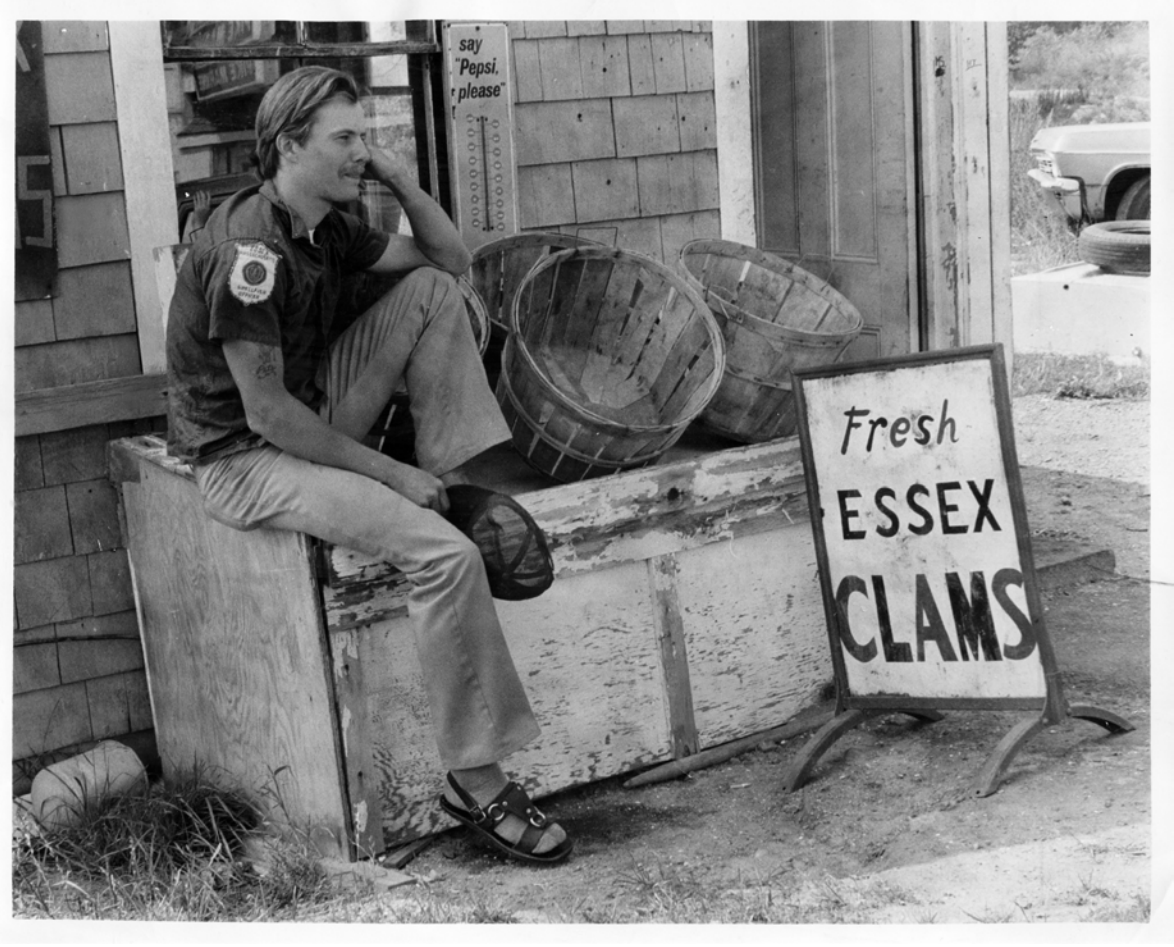


Photo by Ron Donovan. This photo highlights two things. One is the ecological sensitivities that Essex faces. It shows Peter Genest sitting outside of Essex Clam Co. in 1972. The clam buckets are empty because of the Red Tide, rendering the clams toxic. Essex still has Red Tide concerns more than 50 years later, rendering clams toxic. The other is showing an Essex resident, who should still have housing security in the face of economic challenges.

Housing Opportunity Sites

There were many challenges in finding suitable development sites for housing in Essex. While the town has a great deal of undeveloped land, flooding, wetlands, salt marshes, soil concerns, and protected open space all limit development opportunities. The Affordable Housing Trust Committee, or the Trust, worked closely with town staff and MAPC to identify sites within the town for residential development and Affordable Housing. The planning team began by examining the entire town and then refined the list of potential sites based on an analysis of development constraints and available utility access.

Identification of the proposed Housing Opportunity Sites is a high-level planning activity. The proposed sites are both public and privately owned properties, for which analysis and public input showed that housing growth and Affordable Housing development are highly suitable. Identifying these prospective sites in the plan means the Town supports development here. *This does not suggest that privately owned sites should be acquired by the Town or that publicly owned sites will inevitably be developed.* Effectively, the message is "if there is an opportunity to develop these sites for Affordable Housing, the town should explore that opportunity". That opportunity could be through direct development or, more likely, through a development partner such as the Essex Housing Authority or a non-profit or for-profit developer. The Town can use zoning and the comprehensive permitting process to encourage development on privately owned sites, but these decisions are entirely up to the private property owners. The Town can exercise greater control over publicly owned sites, but final decisions must be made by the people of Essex through a Town Meeting vote.

Residents of Essex were asked to weigh in on potential development sites in an online survey open during the Summer of 2025. All suggested sites were examined by the planning team to determine if Affordable Housing development was possible and feasible and were discussed by the Affordable Housing Trust Committee and town staff.

Based on public feedback, the committee identified 10 development opportunities for Essex, listed below. It is also important to note the sites listed were identified as suitable properties for the Town to strategically consider within the short-term, but it is, by no means, an exhaustive or exclusive list. Many other privately owned sites were considered by the Housing Committee, and sites not listed here are considered more generally through the zoning recommendations made in this plan.

Full descriptions of the sites are available on in the Development Opportunities chapter on page 80. These sites are both publicly and privately owned, representing areas that are either vacant or can be redeveloped to support Essex's housing goals. In addition to the newly identified sites, the existing Housing Authority site was frequently mentioned by community members as a place to expand unit numbers and capacity. There is no significance to the order in which the sites are listed; the site number is only to identify the site on the housing opportunities map on page 80.

Potential Affordable Housing Development Opportunity Sites

Site Number	Site Address
0	1 Chebacco Terrace (Housing Authority)
1	25 County Road
2	0 Red Gate Road (Undeveloped)
3	30 Apple Street (Undeveloped)
4	12 Story Street (Essex Elementary School)
5	89 Southern Avenue
6	103 Western Avenue
7	125 Western Avenue (Sawmill)
8	197 Western Avenue (former Atlantic Industrial Models site)
9	139 Eastern Avenue

Housing Goals and Strategies

To address the housing need of Essex residents, goals and strategies were developed to combine best practices with the practical realities of Essex's limited capacity as a small community. The goals sit above strategies in the hierarchy, working as an overarching vision to advance housing objectives. Strategies are recommended to achieve these goals. In many cases, a strategy will help accomplish more than one goal. These recommendations have been designed to be effective and consistent with the Town's capacity for implementation by town staff, the Affordable Housing Trust Committee, and others.

The Goals of "Welcome Home, Essex"

Five goals were developed during this planning process. These goals describe "what" this plan hopes to achieve at a high level.

In addition to the five goals listed above, a housing production goal of eight Affordable Housing units per year was established if Essex wants to achieve "safe harbor" from a hostile 40B development. An in-depth explanation of the goals can be found in the Housing Goals and Strategies section of this plan, on page 24.



Goal 1: Expand Housing options for small-scale housing development



Goal 2: Establish Zoning and Incentives that Support Affordable Housing Production



Goal 3: Target Housing Development in Essex Downtown



Goal 4: Continue to Fund and Expand the Affordable Housing Trust



Goal 5: Preserve all Existing and Future Units on the SHI

Strategies to Achieve the Goals

To achieve the five goals, 24 strategies were developed. These strategies act as the "how" in Welcome Home, Essex – how the plan will achieve the goals. To implement these strategies, the Town will need to take assertive, actionable steps with the help of town staff, boards and committees, the community, and external partners. A qualified consultant can provide technical guidance in implementing these recommendations. While it is unlikely that all 24 strategies will be implemented within the five-year lifespan of this plan, any could be implemented on its own within the next five years. In fact, this plan is the first of many. Because housing needs and market conditions change, HPPs are meant to be iterative plans, revisted every five-years. The list is designed to provide a broad set of possibilities for the Town to explore.

Goals and strategies are not mandates.

Like any other municipal plan, strategies are the activities that the Town could undertake to achieve the goals. They are optional, and the Town (including any boards or committees) may choose to act on any of them or none of them. All the strategies in this housing production plan could be implemented within the 5-year lifespan of this plan; however, it is unlikely that all will be. Prioritization for implementation will depend on a variety of factors, including opportunity, capacity, funding, and political will.

Instead of looking at this list as "here are all the things the Town will do", think of it as "here is a list of activities that the Town could undertake". "Welcome Home, Essex" is an administrative, guiding document for the Town.

The 22 recommended strategies* are:

Strategy #1: Pursue a 40R Smart Growth or 40Y starter home zoning overlay district.

Strategy #2: Support local Affordable Housing organizations through strategic planning and coordination.

Strategy #3: Use publicly-owned land for Affordable Housing and Parks.

Strategy #4: Promote State Housing Programs.

Strategy #5: Review Community Preservation Act funds to determine ways to increase local funding for Affordable Housing.

Strategy #6: Offer pre-approved architectural design templates to streamline the permitting of small homes.

Strategy #7: Reduce Parking Requirements for Affordable Housing Developments.

Strategy #8: Work with the MBTA to create additional transit connectors to the greater T rail and bus networks.

Strategy #9: Create a legal checklist criteria for the planning board to grant conversions of existing single-family to three-family.

Strategy #10: Adopt a right of first refusal property for Essex to acquire properties that are currently, or would be suitable, for Affordable Housing development.

Strategy #11: Explore additional incentives for seniors and property owners who rent to HCV holders.

Strategy #12: Explore marketing and fundraising activities for the Affordable Housing Trust.

Strategy #13: Explore town-supported financing options for ADU development and conversion.

Strategy #14: Incentivize and promote greater density in Essex's downtown.

Strategy #15: Pursue and support Affordable Housing Projects that could increase the water and sewer infrastructure through grants and partnerships with Massworks.

Strategy #16: Encourage small-scale, low-rise multifamily Affordable developments, such as clustered cottages.

Strategy #17: Adopt an inclusionary zoning bylaw.

Strategy #18: Consider creating a density bonus incentive program (can be included in the IZ bylaw).

Strategy #19: Reduce minimum lot sizes (particularly for single-family homes).

Strategy #20: Tax Breaks for smaller homes (up to 900 sq ft).

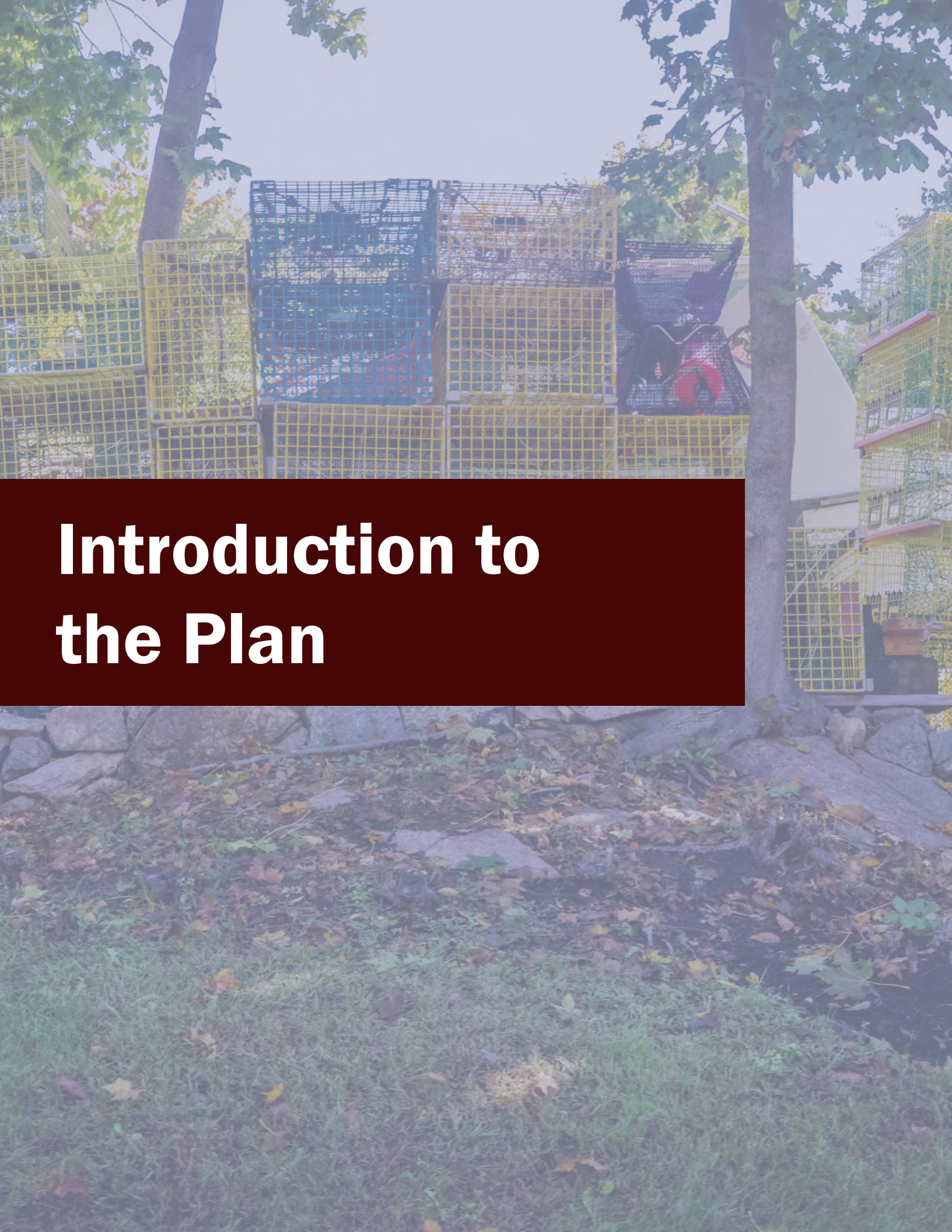
Strategy #21: Promote inter-municipal coordination, including conversations between Trust and the Open Space Committee.

Strategy #22: Create a guide for development in the town's 3A district.

**More details on Strategies #1-22 can be found on pages 102-108.*

This concludes the executive summary

This is a high-level overview of the main components of Welcome Home, Essex. The recommendations and their rationale should be further reviewed in the sections where they are detailed. Data, analysis, public input, and recommendations are detailed throughout this report.



Introduction to the Plan

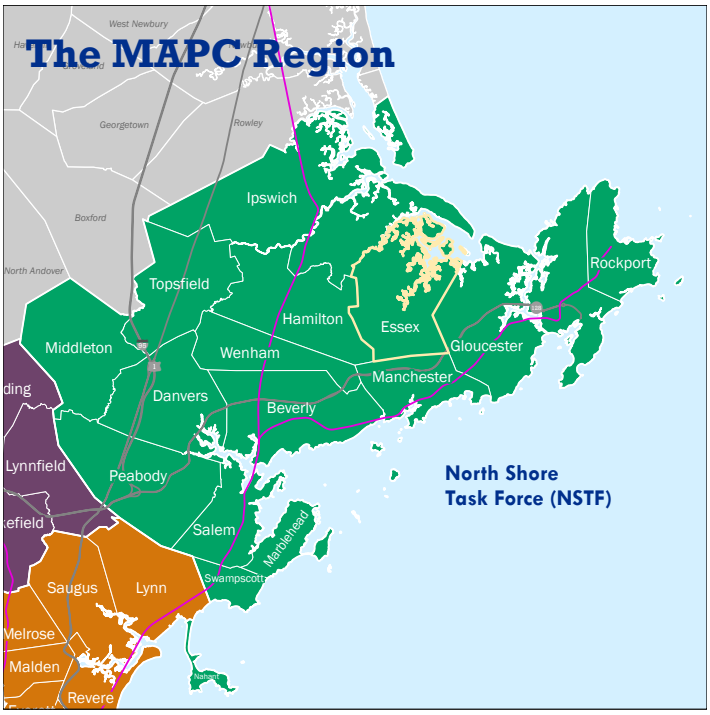
Introduction to the Plan

Like many other communities in the greater Boston region, Essex has experienced a significant increase in housing costs, resulting in an affordability crisis in recent years. Exacerbated by the COVID-19 pandemic, the price of housing increased substantially. Today, incomes needed to meet housing costs are unattainable for the average homebuyer, and many long-time residents find themselves at risk of displacement. Over the past decade, the median home sale price for a single-family home in Essex has increased by more than 75%, rising from under $430,000 in 2014 to $755,000 in 2024. Only 16% (260) of Essex households rent, as there are few options for renters to consider. Even if all of Essex's vacant homes (8% of the total housing stock) were converted to year-round rental housing (many are seasonal homes available only from April to October), the community would still be overwhelmingly owner-occupied.

To address affordability and housing option challenges directly, the Essex Affordable Housing Trust Committee has undertaken the development of the Town's first housing production plan (HPP). An HPP is a locally adopted, state-approved planning document that assesses housing need and capacity to meet it, identifies areas of town suitable for housing development, establishes clear goals, and develops policy recommendations to advance these goals.

An HPP can help the Town meet state targets for Affordable homes, have greater control over Comprehensive Permits for market-rate and Affordable Housing, shape the overall development of housing over time, and improve coordination in working toward these efforts. This HPP identifies Essex's unmet housing need and outlines the steps that can address this need in the next five years. For towns that do not meet the state target of 10% of their housing stock on the state's Subsidized Housing Inventory (SHI), an HPP can be a first step towards temporary safe harbor, which prevents developers from bypassing local zoning bylaws.

To better understand these needs and explore strategies to address them, as well as to maintain compliance with state housing goals, the Town engaged the Metropolitan Area Planning Council (MAPC) to develop a Housing Production Plan in cooperation with town staff and the town's Affordabl Housing Trust Committee.



MAPC Northshore Taskforce Subregion with Essex Highlighted

Housing options in Essex do not always align with the needs of all its residents. Essex's housing is generally large and expensive, with limited options available for renters, low- and moderate-income households, and those seeking smaller housing options. Both young families starting out and long-term residents looking to downsize lack the housing options they need. In Essex, there are many higher-income households alongside fixed-income retiree households who qualify for and could benefit from subsidized housing.

The Town of Essex has also fulfilled the Multi-Family Zoning Requirement for

MBTA Communities, also known as the 3A requirements. Updates to zoning regulations for the Essex Downtown Zoning district have been approved so that the district will comply with 3A and expand housing options. Essex is directly serviced by the Cape Anne Regional Transit bus service and does not have a station area location requirement. This zoning change will provide more housing potential for people in Essex, while also ensuring that the Town is eligible to apply for all available state grant sources.

Housing and the Population

The demographic changes over time in Essex have not resulted in an evolving housing market that meets the demands of these changes. In the latter half of the 20th century, Essex experienced substantial population growth, nearly doubling in size from 1950 to 2000. Today, the official population is 3,675, as of the 2020 census, making it one of the least populous municipalities in the state of Massachusetts.

Approximately 38% of households in Essex have children under the age of 18 living there. Like it was 25 years ago, about a quarter of the population in Essex is under the age of 18. Anecdotally, residents have stated that Essex is a popular place for families, largely because the town is part of the Manchester-Essex Regional School District. While Essex is still facing a housing affordability crisis, housing costs are lower than in Manchester-by-the-Sea (Manchester), the other town that is part of this district. This has led to residential turnover in recent decades, as families with school-aged children move into Essex and relocate elsewhere once their children graduate from high school.



Downtown Essex. Photo by John Cruz.

Longtime Essex residents and empty nesters who choose to stay find themselves trapped in more home than they need – one or two-person households in large homes with large property taxes and utility bills to match. There are few small homes for seniors to move to, and no dedicated senior living facilities – Affordable or otherwise – in Essex. Fewer than 10% of all homes in Essex are in buildings with 3 or more units. Young people early in their careers struggle to find homes of any type that they can afford, as the cost of housing greatly outpaces their salaries. Building homes in general has been very slow in Essex: it has been six years since more than 10 residential building permits were issued in a calendar year.

From aging households to younger households, there is a need for both naturally occurring affordable housing (NOAH, or "lowercase-a" affordable housing) and deed-restricted housing options. While there are many affluent households in Essex, 39% of households make less than 80% of the Area Median Income (AMI) and would be eligible for housing assistance. 17% of all Essex households are considered "extremely low income", making 30% of the AMI. About a third of all Essex Households are considered "housing cost-burdened", spending more than 30% of their pre-tax income on their rent or mortgage.

Without new housing for a range of different life stages and income levels, the town's sense of community could suffer as more residents become displaced by cost. Many residents have family ties to the community going many years, and they see the town's traditions and way of life being eroded by the inability to find housing that can accommodate the needs of people at different stages of their lives.

M.G.L. Chapter 40B

By state statute M.G.L. Chapter 40B, cities and towns are encouraged to provide 10% of their total year-round housing units as deed-restricted Affordable Housing. Essex has 1,578 year-round housing units, according to 2022 American Community Survey (ACS) data, of which 40 (or approximately 2.58%) are deed-restricted Affordable Housing units on the state's Subsidized Housing Inventory (SHI). In communities like Essex, where fewer than 10% of housing units qualify as Affordable Housing, developers may override local zoning bylaws through a Comprehensive Permit for mixed-income housing developments that include affordable housing units.

The housing market in 2025 is not providing NOAH, homes that the average family can afford, in Essex. Throughout the Boston metropolitan region, residents have felt the impact of housing costs that exceed household incomes. As of 2024, the household income required to purchase a home in Essex was around $200,000. This is about 50% more than the town's median household income of $134,000.

Towns like Essex that have substantial development constraints, as well as many public amenities and a high quality of life, will only see housing at a level their residents can afford when that housing is "Affordable Housing": housing with a deed restriction that will count towards the town's SHI. Housing is largely out of reach for residents of Essex. While many rents are affordable compared to the region and context communities, only about 16% of people in Essex rent, and the average income for a renter in Essex is around $40,000 per year. Increasing the SHI is the most effective path to providing affordability in Essex.

The town could also explore a "safe harbor" from a hostile 40B development by producing Affordable Housing. A community may claim "Safe Harbor" and thereby deny a developer a Comprehensive Permit if the municipality has a locally adopted and state-approved Housing Production Plan (HPP) and is making measurable progress toward reaching the state goal of 10% Affordable Housing. Measurable progress means that the community is producing Affordable Housing units at an annual rate of 0.5% or 1% of its year-round housing units (at these production rates, Safe Harbor lasts for a one-year or two-year period, respectively).



Community Engagement

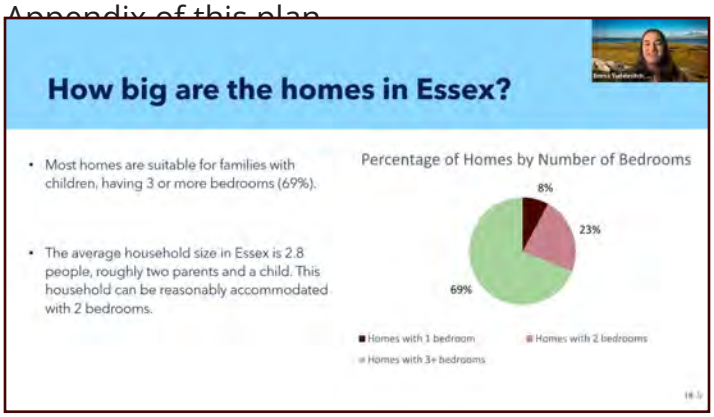
Community Engagement Summary

Public Input on housing needs and plan recommendations was a major part of making sure that "Welcome Home, Essex" represented the town's needs and goals.

The project team presented data and recommendations for updated HPP goals, priority strategies, best practices, and development opportunities at a public webinar and an online survey. Qualitative information gathered from both the survey and a housing need focus group clarified key data findings and helped to personalize housing issues. Additionally, insights into the town's land use regulations and development opportunities were gathered from local board/committee members, as well as local housing experts (i.e. developers, housing advocay groups, etc.) throughout the process through various interviews and discussions.

All this input strengthened the plan's analysis and informed recommendations. The various engagement methods used to gather feedback from the public are summarized in Table 1 below and referenced throughout the report where applicable. In general, public input supports the plan recommendations and the Town's efforts to expand housing opportunity.

Committee Presentations, including those containing the results of the webinar questions and the online survey, are available in the Appendix of this plan.



MAPC's Emma Yudelevitch leads a discussion on housing need indicators during the Jan 30, 2025 Webinar

Table 1: Engagement Events

Event	Date	Number of Participants	Engagement activites
Project Website	Fall 2024-Fall 2025	N/A	The project website was launched in the fall of 2024 to provide updates to the community about the planning process at /mapc.ma/essexhpp
Focus Group Discussions	Fall-Winter 2024	5	Group and one-on-one discussions with local housing experts (i.e. developers, housing advocay groups, etc.) to gain insights on Essex's housing challenges an opportunities.
Public Webinar	January 30, 2025	74	The webinar consisted of a presentation that highlighted the planning process and provided an overview of housing data indicators. Feedback from attendees was gathered. The webinar was posted on MAPC's YouTube channel. As of October 8, 2025, the video had 55 views.
Online Survey	June 15, 2025	224	This online survey asked participants to identify additional housing opportunity sites, choose priorities for the housing goals, and suggest housing strategies.
Public Comment Period	November 21, 2025	N/A	The housing production plan was posted publicly for a 30-day comment period prior to adoption votes.
Affordable Housing Trust Committee Meeting	2024-2025	N/A	The committee has held five meetings since the inception of the plan which have included resident participation and input.



Housing Needs Assessment

Main Takeaways



Families call Essex home.
Nearly 3/4 of households in Essex are family households who are majority homeowners.



Essex is Expensive.
Over 1/3 of renter households are cost-burdened, spending more than 30% of their income on rent.



Homeowners are not an exception.
At least 2/3 of households cannot afford a conventional mortgage if they were looking to buy today.



Essex has a limited variety of housing types.
There has been minimal recent development since 2020, and almost all building permits since 2015 have been single family houses.

A housing needs assessment is an analytical approach that attempts to better understand the range of housing needs among those who work, live, and visit Essex. Data on community demographics, housing stock, and housing affordability tells a story on whether the existing supply and cost of housing match the current community needs, as well as those who may want to move or return to Essex.

Context Communities

To give additional insight within the regional context, housing need indicators were also evaluated for "context communities". These are cities and towns in the MAPC region that are similar to Essex when viewed through a lens of housing need and other relevant indicators. Based on a rigorous quantitative analysis and confirmed by the Advisory Committee, "context communities" were determined based on a scoring system to see where they were similar to Essex. Indicators used for this score include similar geography, urban fabric, population, housing stock, market, and demographics. For instance, the Town of Acton has a similar demographic make-up and housing market conditions to Essex, despite being geographically different. Context communities are used to compare Essex's housing needs to nearby municipalities. The municipalities selected as context communities for this analysis are:

- Acton
- Boxborough
- Franklin
- Hamilton
- Manchester-by-the-Sea

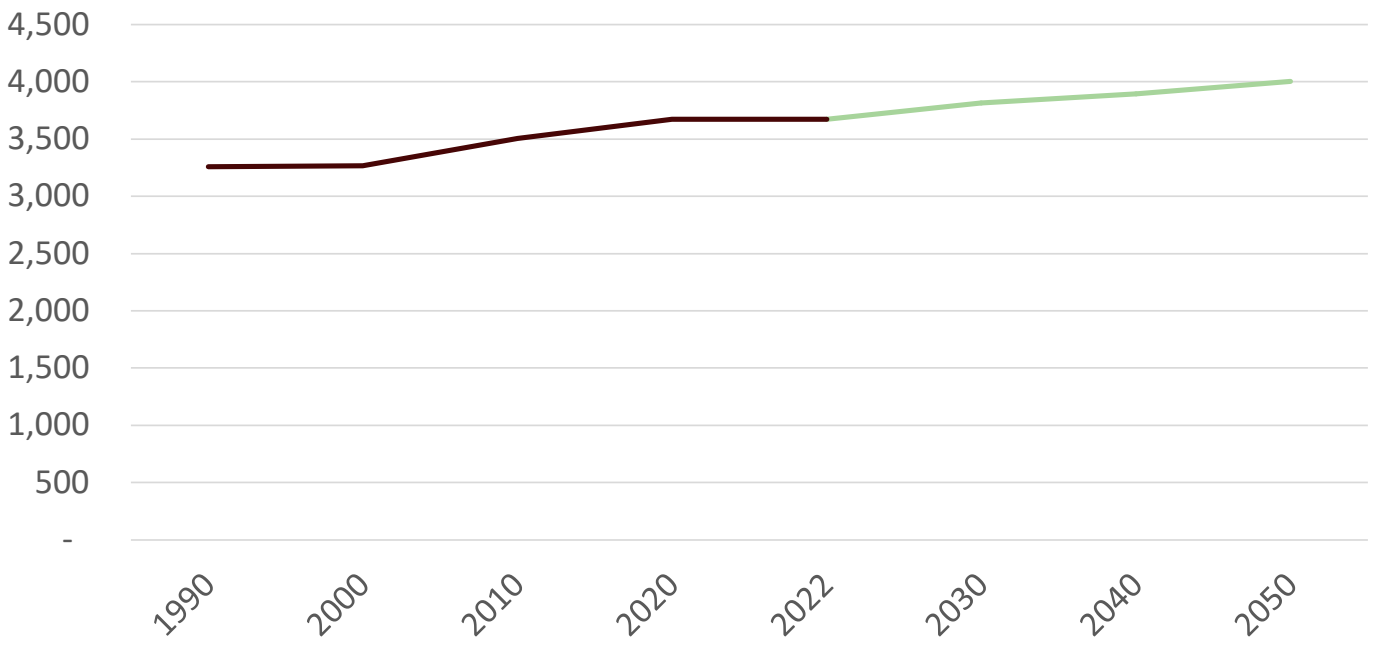
Community Demographics and Household Characteristics

Population

With a population of 3,674 people, Essex is a small town. Over the last few decades, there has been minimal growth. In 1990, the population was around 3,260 people, increasing to 3,504 people in 2010. As of 2022, 3,674 people are living in Essex. According to MAPC's official MetroFuture population projections, Essex is predicted to continue this trend. In 2030, the projected population is around 3,815 people. Essex's population will likely exceed 4,000 people in 2050 (Figure 1). Given these trends, the slow but steady growth will result in an increased demand for housing in Essex.

MetroFuture projections map out changes in population totals based on births, deaths, households moving in and out of the region, and historical trends related to development and household formation. Projections are not official predictions, and they cannot account for all regional, national, and global events. In addition, local policy can impact, to a limited degree, the trajectory of population growth and demographic change in an individual city. Nonetheless, projections offer one relatively likely view of the future of Essex, and this plan will prepare Essex for that potential future.

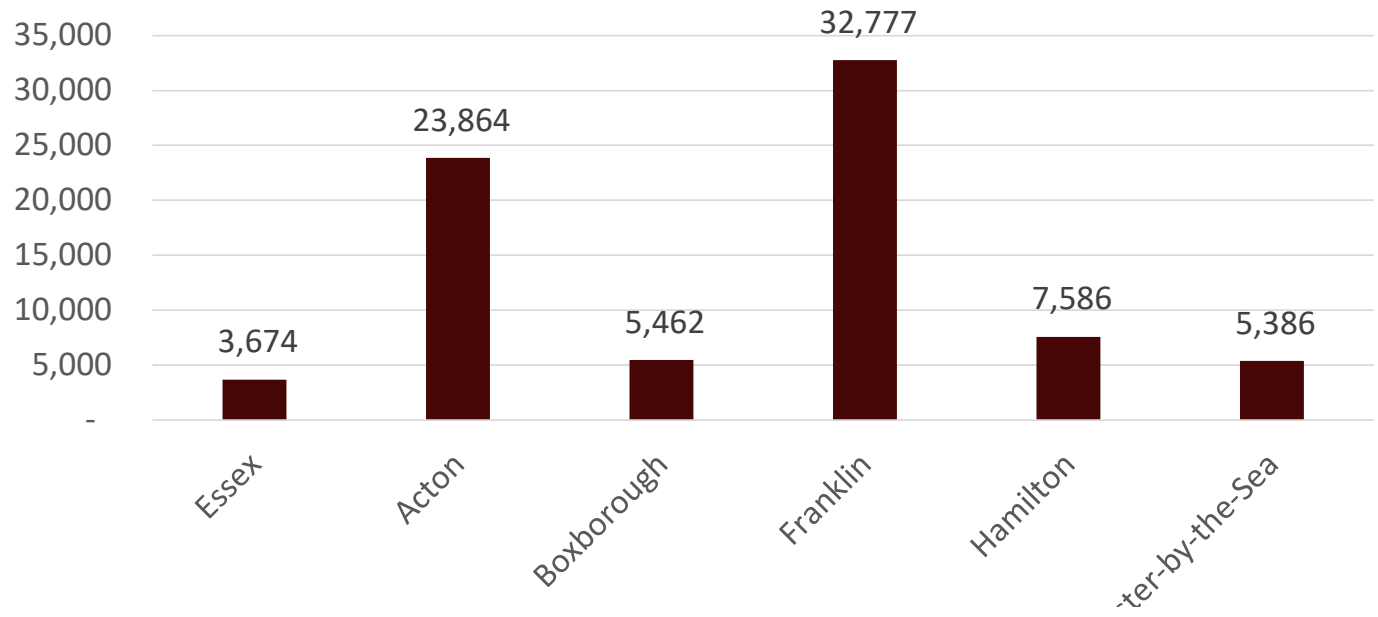
Figure 1: Population change and population projections, Essex, 1990-2050



Source:US Decennial Census 1900-2020, American Community Survey 2022 5-year estimates MAPC Socioeconomic Projections

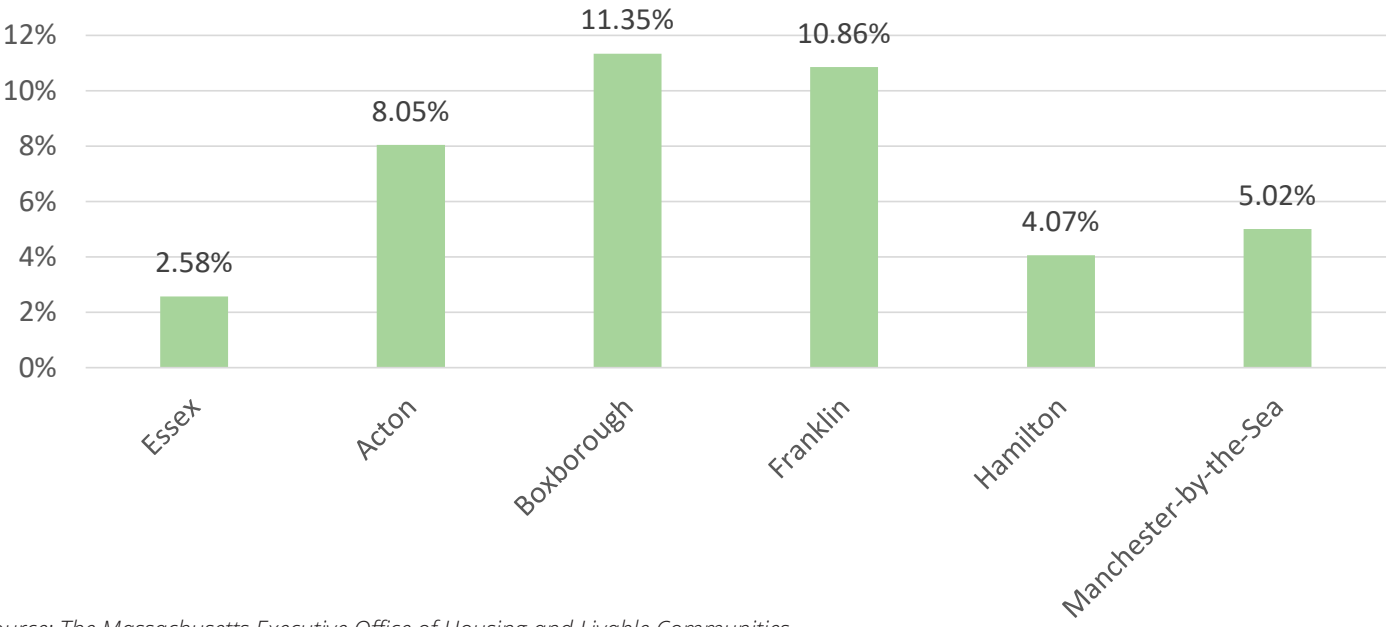
Compared to the context communities, Essex has the smallest population size (Figure 2). As a small community with rural characteristics, Essex has fewer resources than its context communities. For example, fewer people living in town means a smaller tax base and less money at the town's disposal. Financial resources help municipalities invest in town-wide amenities, including incentives and subsidies for housing production and rehabilitation. Although Nahant is the only other community in the region with a comparable population, the town is denser, has a greater residential tax base, has greater amenities such as town-wide sewer, and has largely different constraints.

Figure 2: Context Communitites by Population, 2022



Source: American Community Survey 2022 5-year estimates

Figure 3: Context Communitites by Percent Affordable Units (SHI), 2023



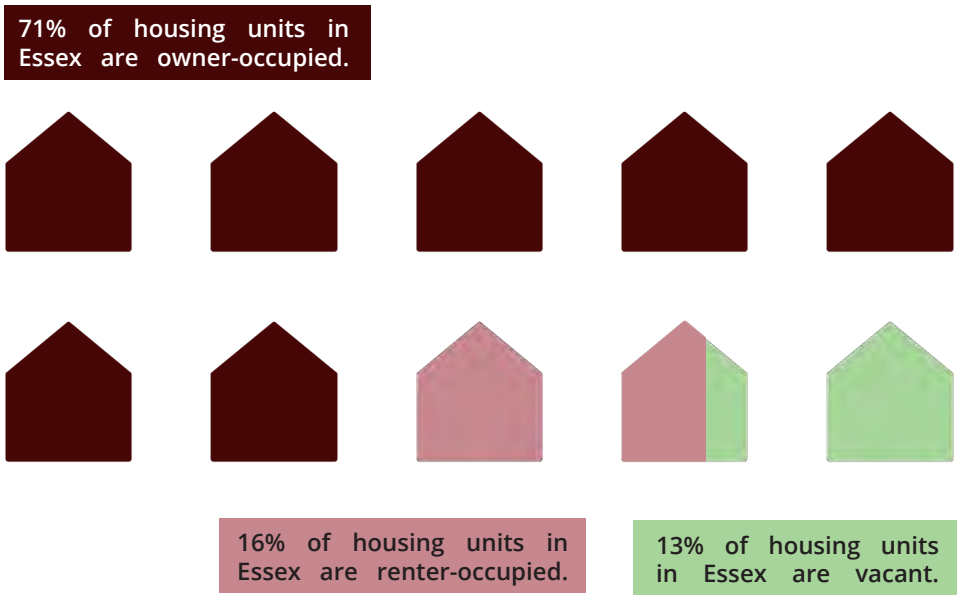
Source: The Massachusetts Executive Office of Housing and Livable Communities.

Housing Units and Tenure

In 2022, Essex had 1,578 housing units. However, very few of the total number of housing units can be considered affordable. For instance, the percentage of Subsidized Housing Inventory (SHI) units sits at about 2.58%, with the 40 affordable units reserved for senior and disabled residents at Chebacco Terrace, owned and managed by the Essex Housing Authority. Compared to its context communities, Essex has the lowest percentage of SHI units.

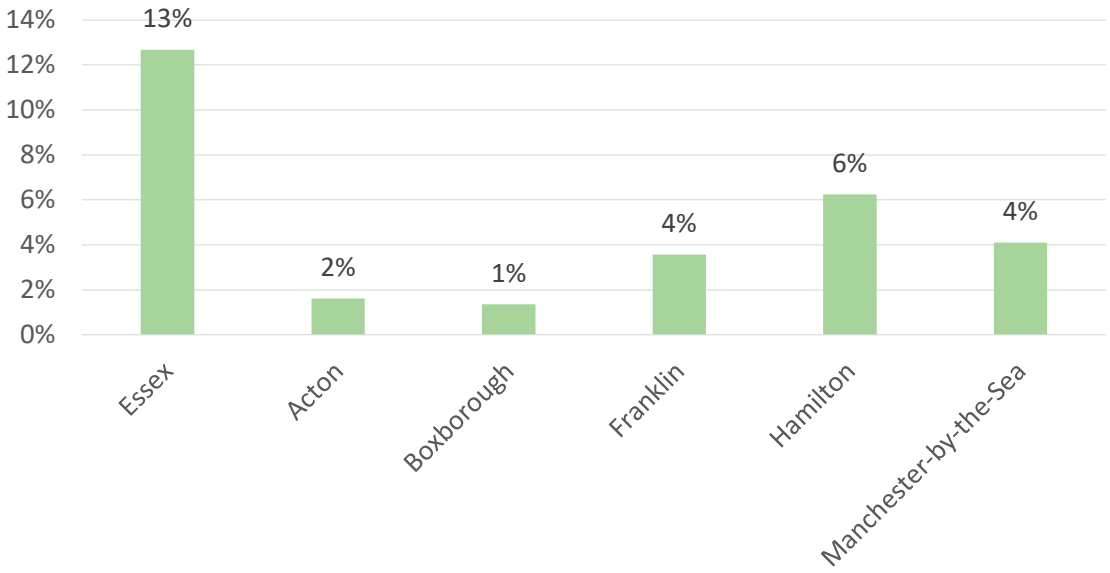
Most of the households in Essex are owner-occupied households. Of the total number of housing units, about 71% are owner-occupied. Approximately 16% of housing units are renter-occupied, and around 13% are vacant housing units (Figure 4). The vacant units are a combination of unoccupied for sale or rent units on the market and seasonal homes. Compared to the context communities, Essex has the highest percentage of vacant units (Figure 5). Given that a number of neighborhoods in Essex are reserved for seasonal rentals, such as Cuomo Point, it is reasonable to estimate that a proportion of vacant housing units are seasonal units.

Figure 4: Percent Housing Units by Tenure, Essex, 2022



Source: American Community Survey 2022 5-year estimates

Figure 5: Context Communitites by Percent Vacant Housing Units, 2023



Source: The Massachusetts Executive Office of Housing and Livable Communities.

Essex Housing is located at Chebacco Terrace in Essex, MA.



Source: Essex Housing Authority, essexha.org

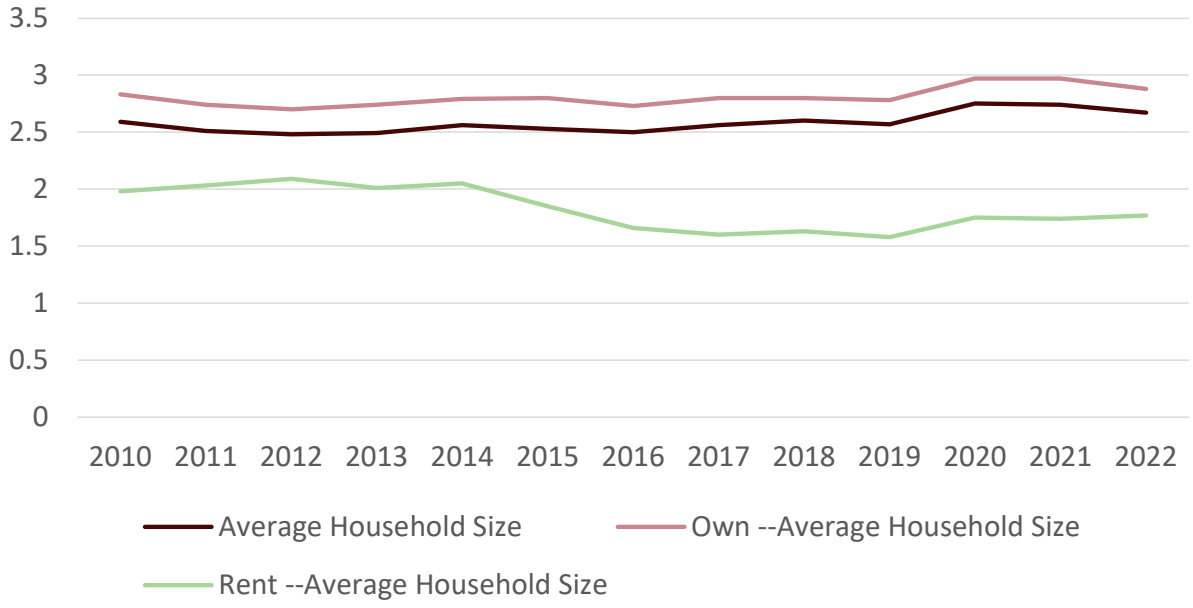
Household Size

A household is people living together in the same house and can have a wide array of compositions. Any household can be a family, roommates, or a single person living alone. As of 2022, there are 1,378 households in Essex. Average household size is an aggregate of the number of people who live in a housing unit and is a useful indicator for identifying housing demand. In Essex, the average household size has remained consistent over the last couple of decades. The average household size (for renters and owners combined) has remained between 2.5 and 3 people per household, with the current average at 2.67. The current average household size for owners is 2.88, following a similar trend to the overall average time but with a slightly larger household size (Figure 6). Minimal growth in the overall population is reflected in these trends. The average household size in Essex is relatively on trend when compared to the context communities, particularly Boxborough, Franklin, and Manchester-by-the-Sea.

However, the household size for renters has decreased over time (Figure 6). The average household size for renters dropped to below 2 people per household after 2014. Despite a slight increase in 2019, the average household size for renters leveled out post-2020, with 1.77 being the current average household size in 2022. A decrease in the average household size for renters is a response to fewer rental options available in Essex. In 2010, 27% of Essex's housing stock was rental. Since then, the total number of rental units has dropped by 4%. A decrease in both rental household size and options mean renters who need more bedrooms, like families with children, must choose between buying a larger home or moving elsewhere.

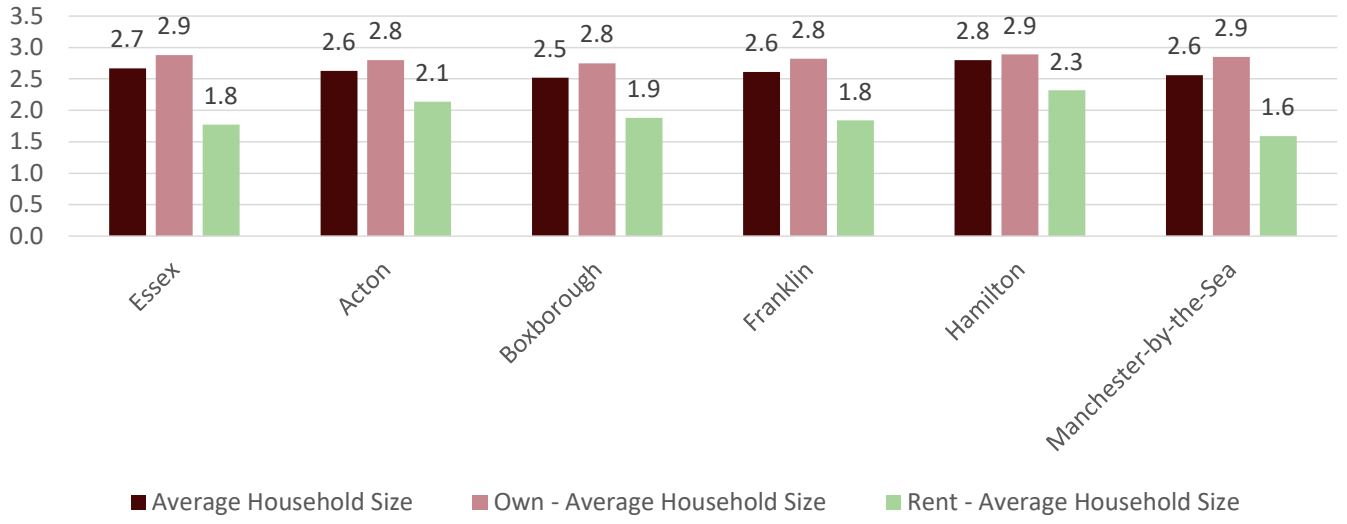
When we look at the relationship between household and house size, there is a disconnect. The majority of houses in Essex have 3 or more bedrooms (Figure 8). Considering the average

Figure 6: Average Household Size by Tenure, Essex, 2022



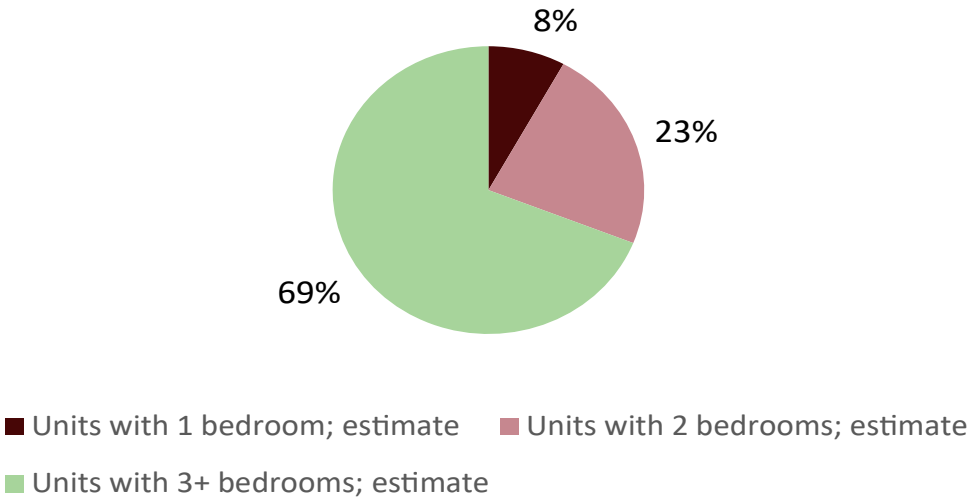
Source: American Community Survey 2022 5-year estimates

Figure 7: Context Communitites by Average Household Size



Source: American Community Survey 2022 5-year estimates

Figure 8: Percent Units by Number of Bedrooms, Essex, 2022



Source: American Community Survey 2022 5-year estimates

household size is 2.88, there are households in which a 2-bedroom house can be reasonably accommodating. Existing supply might not fit the current needs of residents. Additionally, multi-bedroom houses can potentially impact housing affordability, particularly for smaller households, like seniors, who cannot afford the upkeep of larger-sized homes.

Age Structure and Family Status

Given that different age groups have different housing needs and preferences, this assessment breaks down the population by age. In Essex, the majority of the population is over the age of 35 years old. Of this age cohort, about 15% are over the age of 65 years. Residents under 18 years old make up the second largest age group (26%), and 11% are part of the 18 to 34 age group (Figure 9).

Breaking down tenure by age provides insight into the housing needs of each age group (Figure 10). For instance, the youngest cohort (15 to 24

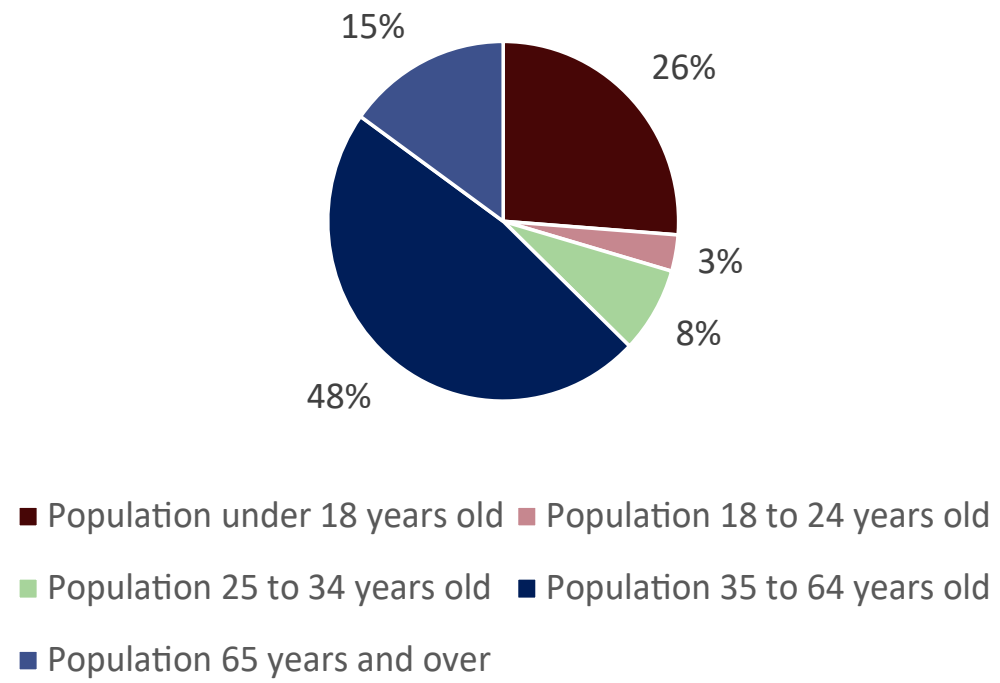
years old) neither rents nor owns. This may be that all of the young adults in this cohort are living with family and attending high school or college.

However, given the graduating age for college is around 21 years old, this data point could mean that young adults are having trouble entering the housing market post-graduation. The same could also be said for young adults who enter the workforce right out of high school.

The next age cohort of young adults (25 to 34 years) has some presence in the housing market. A little over 100 households fall within this age range, and about 79% are owners while 21% are renters. The higher percentage in ownership among younger households is an interesting trend that contrasts with data findings in other municipalities and the region. The ownership rate drops for the 35- to 44-year-old age group. About 64% of households in this age range are owners and 36% are renters, making up the largest share of renters overall (31%). This could mark a difference in housing markets over time, such as a period of lower interest rates for mortgages.

The 45 to 54 age group is almost entirely comprised of owner households (98%) and makes up the largest share of owners overall (30%). Homeownership rates decrease for older age cohorts, notably for the 60 to 64 years age cohort (71% owners) and households over the age of 85 (52% owners). In other words, older age does not mean you are likely to own a home in Essex. In fact, the 85 years and older age group has the highest percentage of renters (48%) compared to the other age groups. Given that there are few rental and small-scale housing options on the market, a lack of housing is a serious issue for seniors who wish to age in place.

Figure 9: Population by Age, Essex, 2022

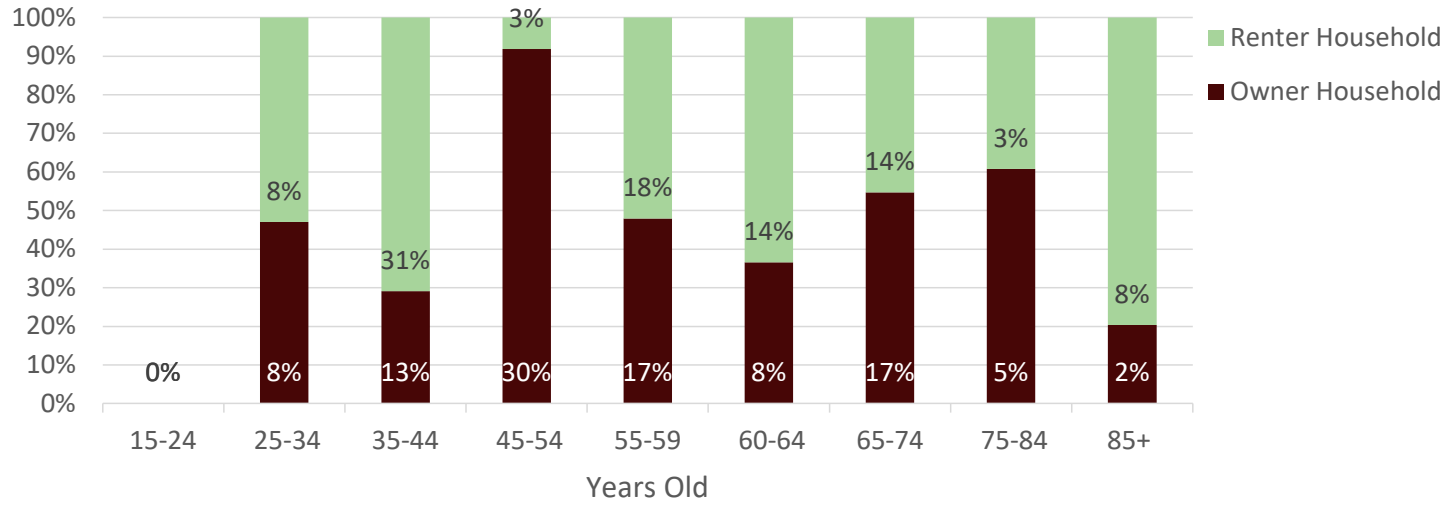


Source: American Community Survey 2022 5-year estimates

The majority of households (72%) in Essex are family households. A family household is maintained by a householder who is in a family related by birth, marriage, or adoption and residing together, and includes any unrelated people who may be residing there. A nonfamily household householder living alone (a one-person household) or shares the home exclusively with people to whom he/she is not related, such as roommates. In Essex, about 28% of households are nonfamily households.

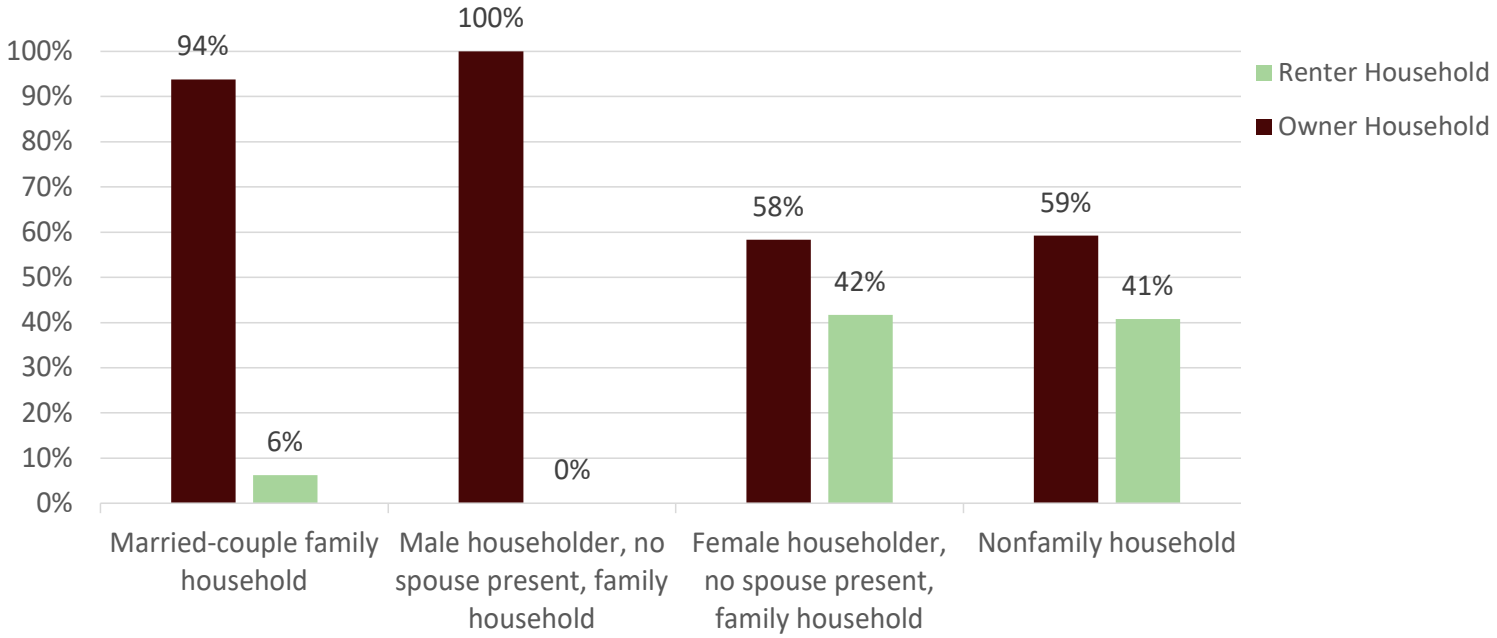
The census breaks down family status further by married-couple households, single male and

Figure 10: Tenure by Age, Essex, 2022



Source: American Community Survey 2022 5-year estimates

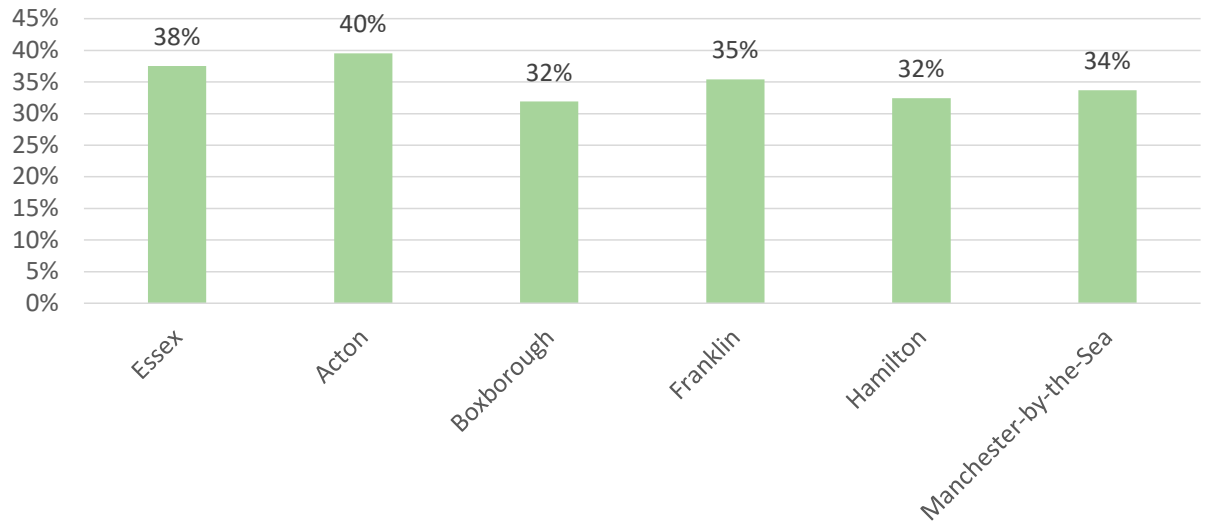
Figure 11: Tenure by Family Status, Essex, 2022



Source: American Community Survey 2022 5-year estimates

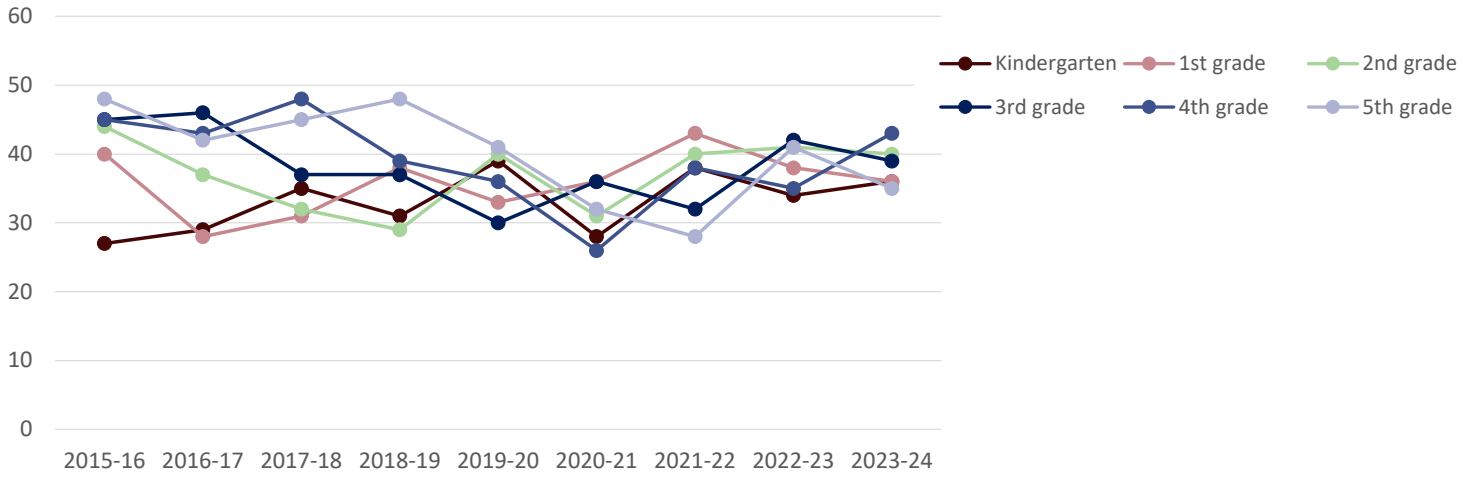
single female households. When considering the tenure of family households (Figure 11), the data finds that married-couple households are almost entirely homeowners, at approximately 94%, and single male households are 100% homeowners. In contrast, the homeownership percentage for single female households is approximately 58%. While the majority of single female households are homeowners, the housing opportunities and needs for single female parents appear to differ from their male and married counterparts. The ratio of owners to renters is similar for nonfamily households, where about 59% are owners and 41% are renters. When considering the type of house families and nonfamilies live in, a similar trend emerges. Married couples and single male family households are more likely to live in single family homes, whereas single female households and nonfamily households have a notable share of residents living in multi-unit buildings.

Figure 12: Context Communities by Percent Households with Children, 2022



Source: American Community Survey 2022 5-year estimates

Figure 13: School Enrollment, Essex Elementary, 2015 -2024



Source: Massachusetts Department of Elementary and Secondary Education (DESE)

1 When data from the US census references about "children", they are specifically talking about non-adult children under the age of 18.

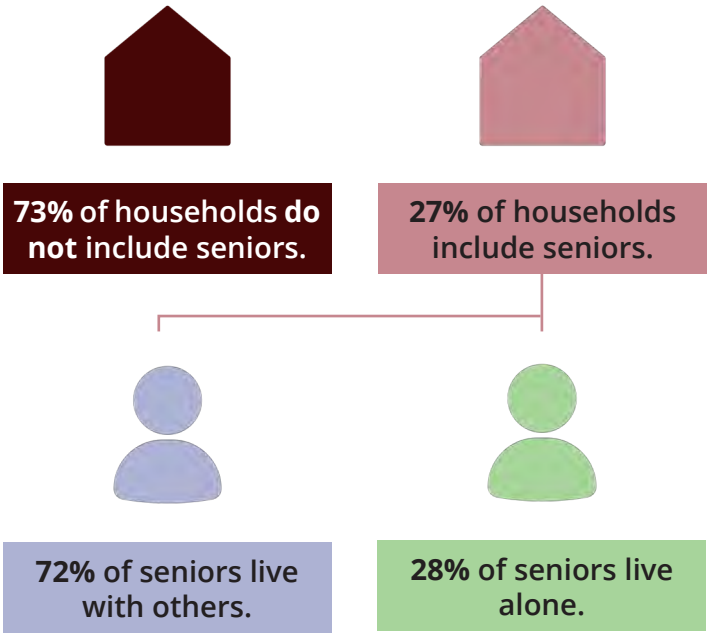
Although family households make up the majority in Essex, most households do not include young children (62%). This means that family households are more likely to include family members who are over the age of 18. Instead, 38% of households include children. Among the context communities, Essex has the second-highest percentage of households with children (Figure 12). As of 2024, there were 229 students enrolled in Essex Elementary School with an average of 38 students in each grade. School enrollment trends are important to consider when planning to accommodate housing demand because increases in the housing stock might indicate a town needs to expand its school capacity (Figure 13).

On the opposite end of the age spectrum, seniors make up a smaller proportion of households in Essex – about 27% of households (Figure 14). However, data show that the majority of seniors are not living alone, with about 72% of seniors living in multi-person households. This could look like a senior living with their children or grandchildren, or living with other adults. Meanwhile, 28% of seniors live alone. Both data



Essex Senior Center. Photo by John Cruz.

Figure 14: Households by Seniors and Status, Essex, 2022



Source: American Community Survey 2022 5-year estimates

Racial Diversity

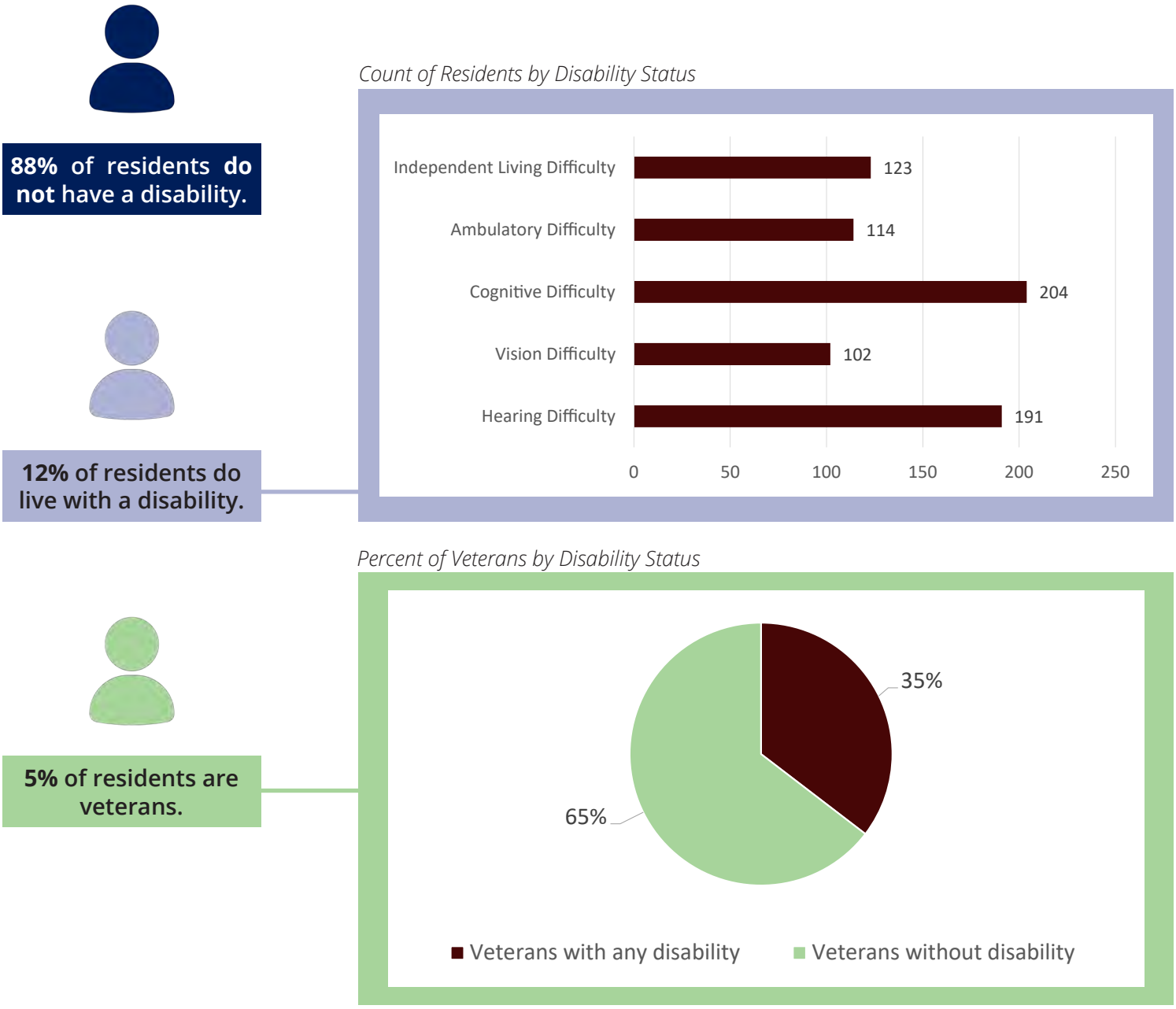
Demographic data shows that Essex lacks the racial and ethnic diversity of the surrounding region and the state. In fact, the number of people of color living in Essex has decreased over time. In 2022, approximately 2% of residents living in Essex are people of color. A lack of diversity in the town can be attributed to historical patterns of housing discrimination as well as the type and cost of housing currently available in the town.

Disability and Veteran Status

Understanding the makeup of Essex's residents who live with a disability provides important insight into the housing needs of that community and how housing could be made more accessible. About 12 percent of Essex residents live with a disability, with a variety of disability types, the majority of which live with cognitive or hearing difficulties (Figure 15).

There is also a small share of veterans who live in Essex, about 5% of the total population. It is important to note that of the 147 veterans, about 8 percent of veterans live at or below the poverty line. About 35% of veterans also live with a disability and make up about 1/3 of the total disabled population (Figure 15).

Figure 15: Disability and Veteran Status, Essex, 2022



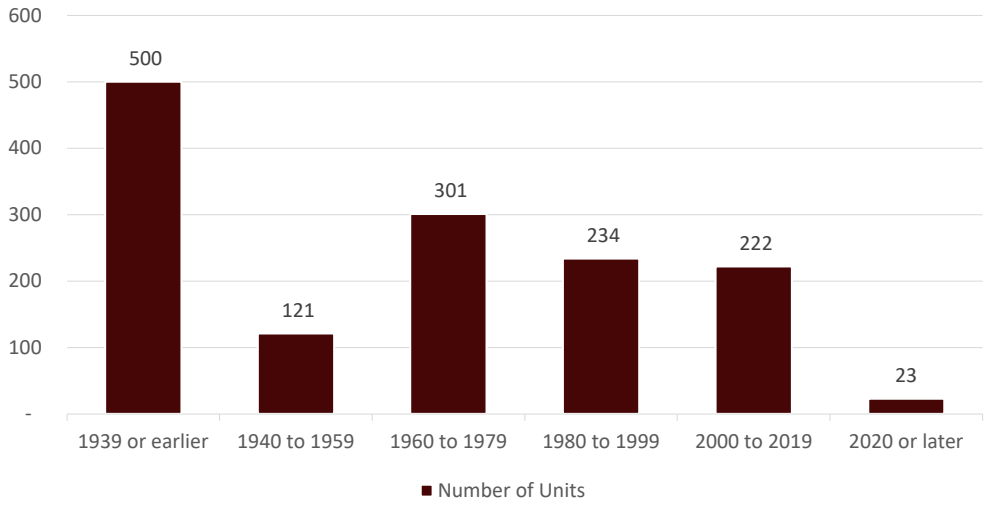
Source: American Community Survey 2022 5-year estimates

Housing Supply and Demand

Age of Housing Stock

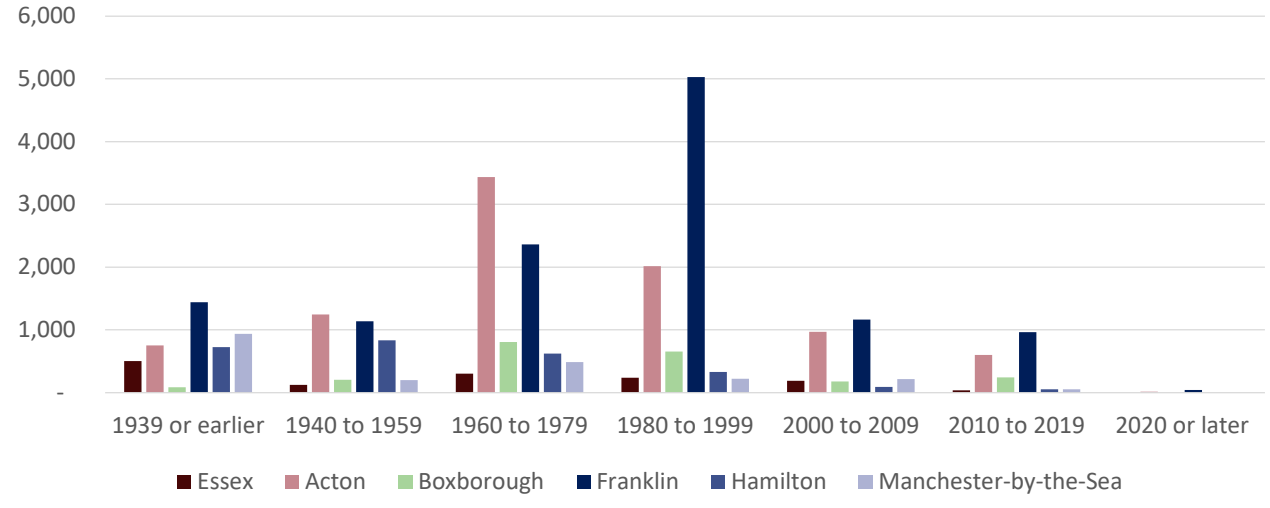
The count of units by the year the structure was built allows insight into a municipality's development trends. In general, the age of the housing stock in Essex leans older. A little more than 1/3 of Essex's housing stock was built in 1939 or earlier (Figure 16). Housing in Essex is also older compared to the context communities. The age of structures also indicates the quality of the housing and how soon investment may be needed for rehabilitation. For the rest of Essex's housing stock, development trends show slow growth. During the 1960s to 1970s, Essex saw a spike in development, following a with a gradual decline in production until 2009. Since 2010, development has dramatically decreased to only 33 new housing units. Although the census reports no recent developments since 2020, a deeper look at the Town Assessor's data shows that 23 developments have been recently built.

Figure 16: Number of Units by Year Built, Essex, 2022



Source: American Community Survey 2022 5-year estimates, Essex Town Assessor

Figure 17: Context Communitites by Units by Year Built, 2022



Source: American Community Survey 2022 5-year estimates

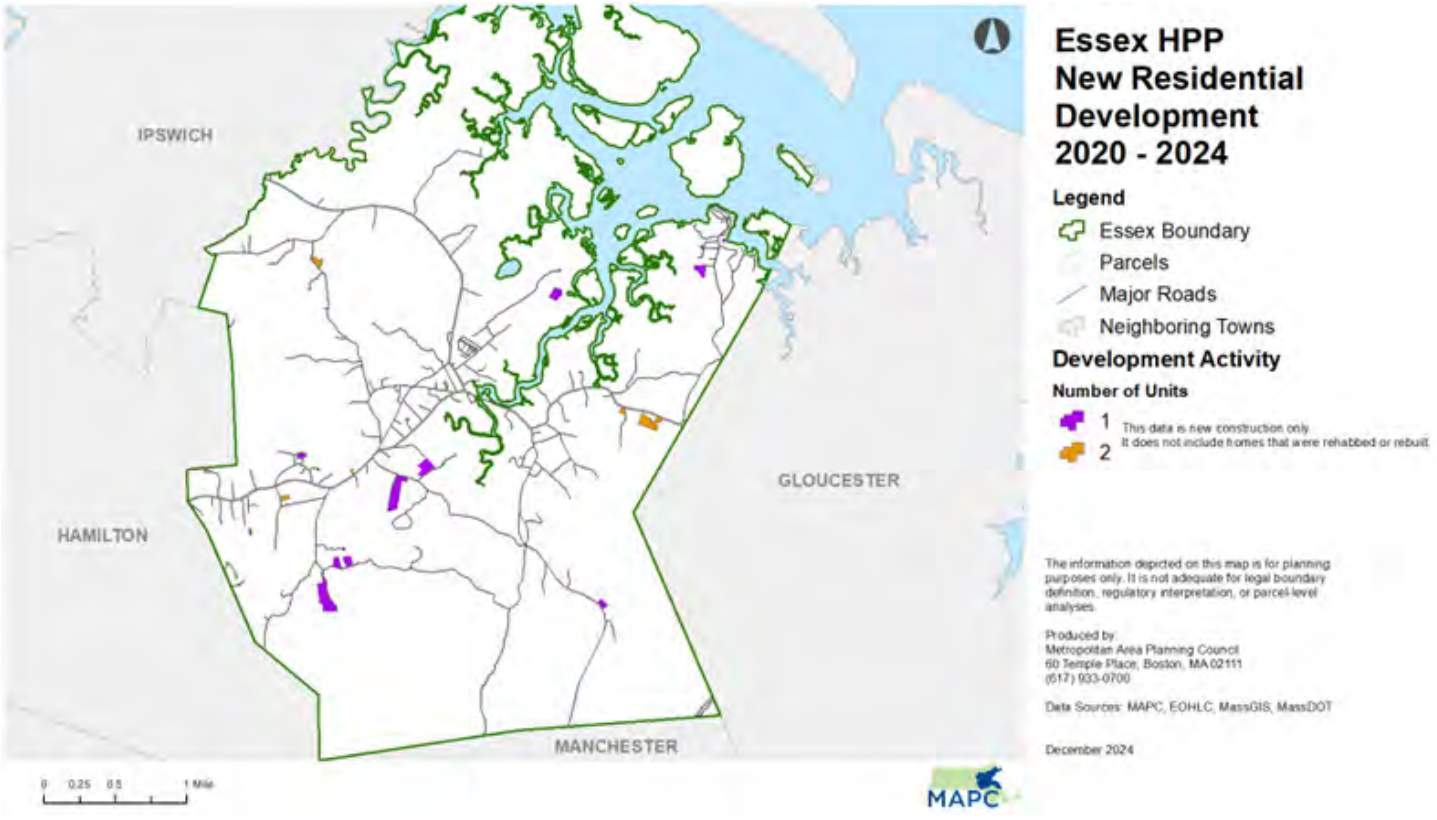
Development and Demand

The current housing supply is predominantly (68%) single family homes. Condos and townhouses are the second largest housing type, making up 13% of the housing supply, followed by two-family housing units (10%). Essex has a small amount of multifamily housing. Around 7% of the housing supply is from buildings with 3 to 4 units, 1.5% are buildings with 5 to 9 units, and less than 1% of buildings have 10 units or more.

Recent development continues this trend. Almost all buildings permitted since 2015 have been single family homes. According to town data, recent development includes 14 single family units, 12 two-family units, and 1 seasonal unit (Map 1).[2] Most recent developments are located south of Main Street / Eastern Avenue, with some development in Conomo Point. Compared to Acton and Franklin, Essex has permitted less overtime. Rather, development trends are more comparable to Boxborough, Hamilton, and Manchester-by-the-Sea (Figure 18).

Demand can be measured by the types of housing built or what developers think will sell on the market. Data on the number of houses sold over time provides another angle to assessing housing demand in Essex. When looking at the sales volume, or count of sales, for single family homes and condos, there was a trend of a high number of sales in the early 2010s. However, the data also shows a drop in real estate sales post-2020 (Figure 19).

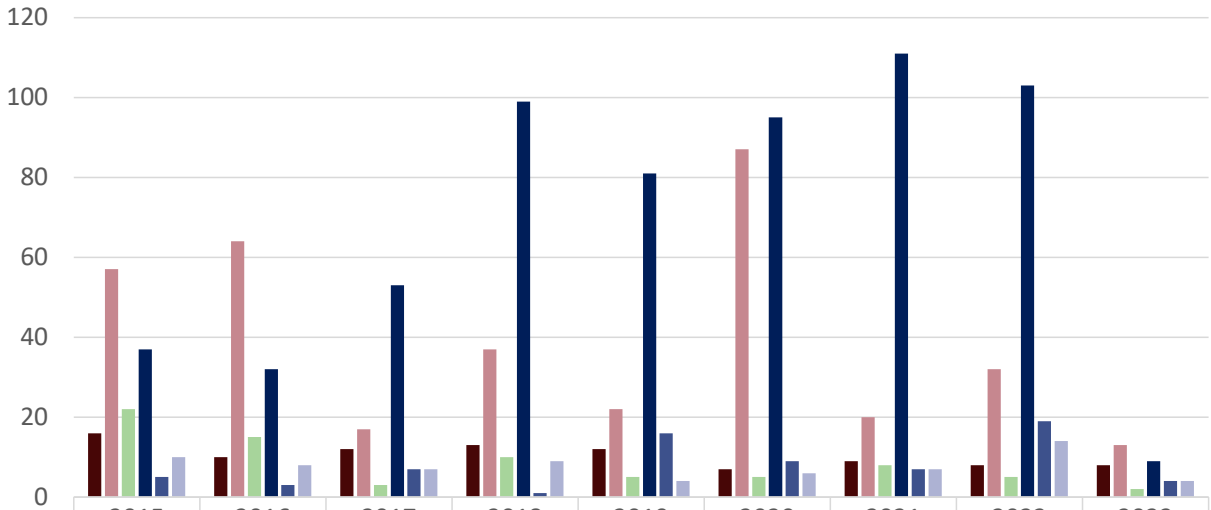
Map 1: New Residential Development, Essex, 2020-2024



Source: Essex Town Assessor

2 Town Administrator

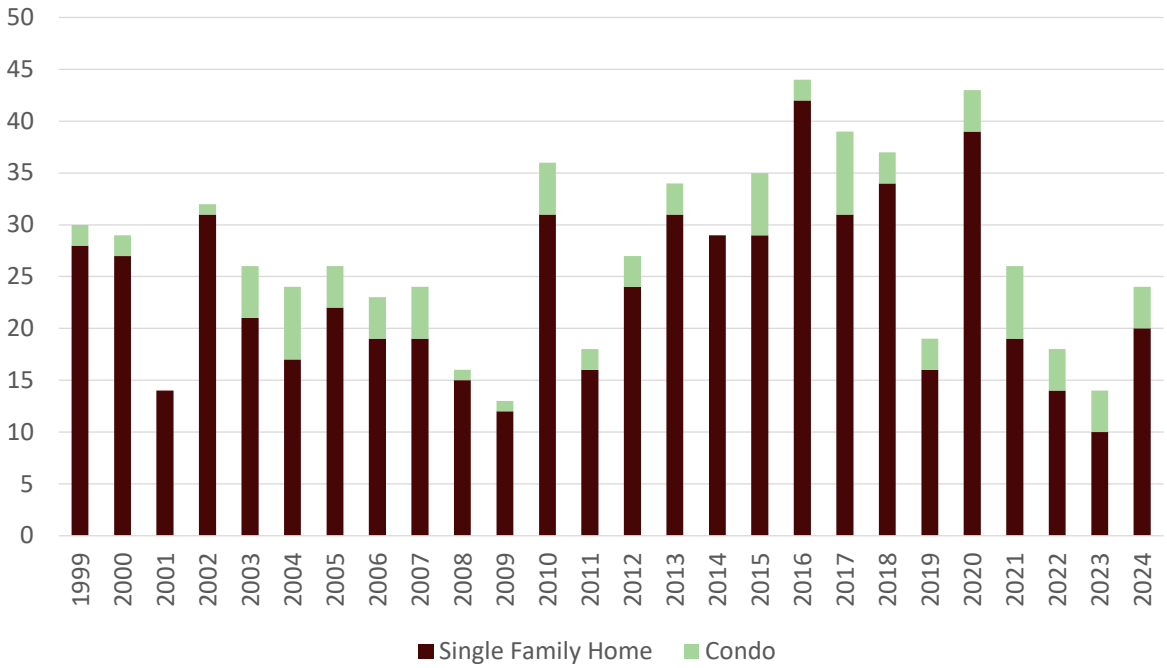
Figure 18: Context Communitites by Buildings Permitted, 2015-2023



	2015	2016	2017	2018	2019	2020	2021	2022	2023
Essex	16	10	12	13	12	7	9	8	8
Acton	57	64	17	37	22	87	20	32	13
Boxborough	22	15	3	10	5	5	8	5	2
Franklin	37	32	53	99	81	95	111	103	9
Hamilton	5	3	7	1	16	9	7	19	4
Manchester-by-the-Sea	10	8	7	9	4	6	7	14	4

Source: American Community Survey 2015-2023 estimates

Figure 19: Sales Volume for SIngle Family Homes and Condos, Essex, 2024



Source: The Warren Group

Affordability

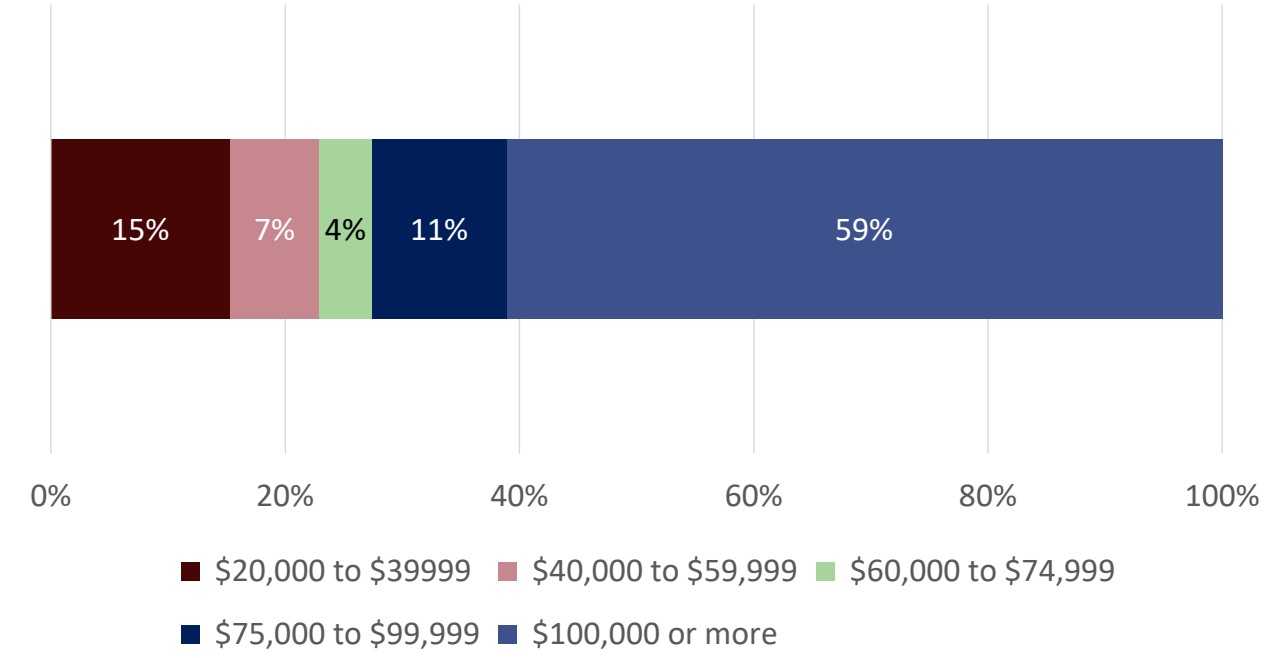
Household Income

Income is an important consideration in assessing housing need because it determines what a household can afford to pay for housing. It also determines what type of housing is affordable: rental or ownership, single family or multifamily. Overall, Essex residents are financially comfortable: the majority of households (59%) earn an income of $100,000 or more, and the total median household income is around $133,553 as of 2022 (Figure 20).

However, a proportion of Essex residents can be considered low-income. About 19% of households are making less than $45,000, and 11% are earning income $45,000 to $74,999. Another 11% earn $75,000 to $99,000 in income. When household income is broken down by age, the data show some income disparity across age groups (Figure 21). Notably, most 25 to 44 years old residents populate either the lowest income bracket, 28% earning less than $45,000, or the highest income bracket, 30% earning $200,000 or more. The 45 to 64 years old age group predominantly earns $200k or more, whereas a sizeable share of the 65+ years age group makes up the $45,000 to $74,999 income bracket.

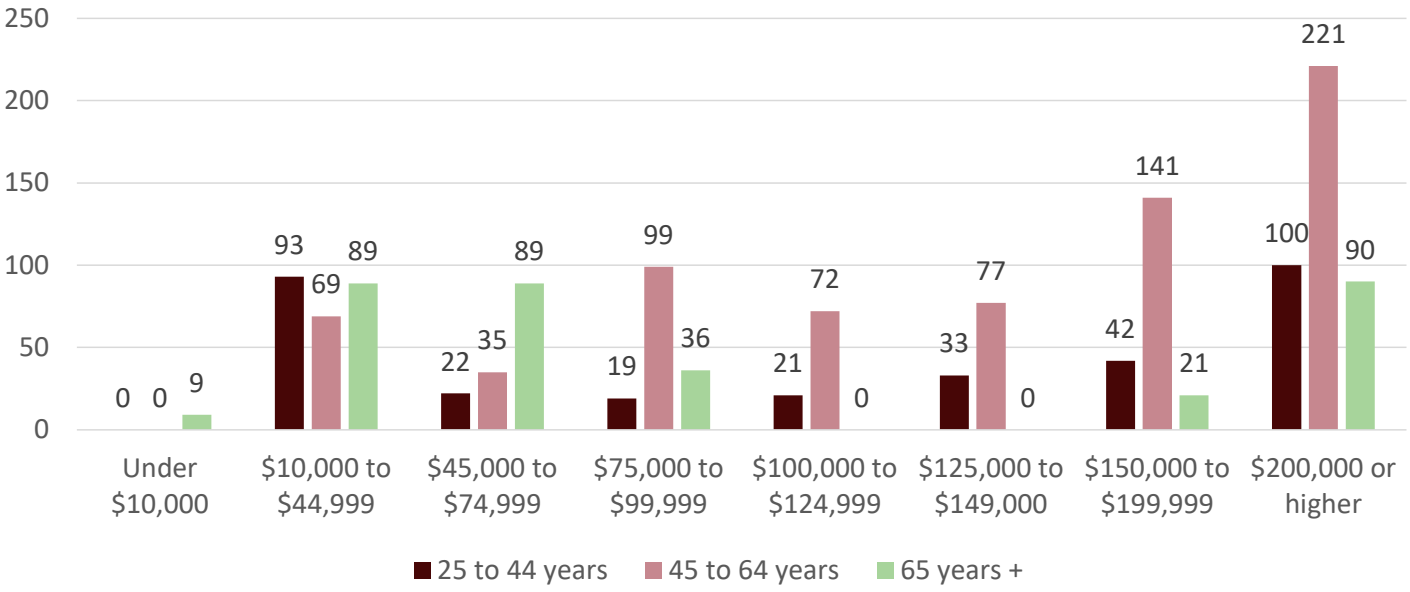
Poverty is defined by the Census Bureau using a set of money income thresholds that vary by family size and composition. Although only about 8% of households in Essex are living

Figure 20: Percent Household Income, Essex, 2022



Source: American Community Survey 2022 5-year estimates

Figure 21: Household Income by Age, Essex, 2022



Source: American Community Survey 2022 5-year estimates

at or below the poverty line, the majority of households in poverty are family households (88%). Of the family households, 55% are other family households, or households led by a single parent, and 45% are married-couple households in poverty.

Another metric of affordable housing need is the number of households that qualify for housing assistance. This is typically determined by a household's income in relation to the Area Median Income (AMI), which is defined by the U.S. Department of Housing and Urban Development (HUD) for every metropolitan region in the country. For the Boston-Cambridge-Quincy metro area, of which Essex is a part (Table 1). To determine eligibility for assistance, HUD uses income categories that are adjusted based on household size. Though income limits vary depending on the program, typically incomes under 80% AMI qualify for assistance.

A tailored income analysis for Essex shows that 39% of households make less than 80% of the area median income, meaning that they are considered low-income and eligible for housing assistance (Figure 22). Breaking down income status further, the data shows that 13% of households are considered low-income (80% AMI), 9% are very-low income (50% AMI), and 17% are extremely low-income (30% AMI). Low-income status does not necessarily result in decreased ownership rates. In fact, 50% of households that are considered extremely low-income are homeowners and are the only income group that has a higher proportion of renters. About 72% of very low-income households and 68% of low-income households are homeowners. This finding may also indicate that most Essex households may be "house rich, cash poor".

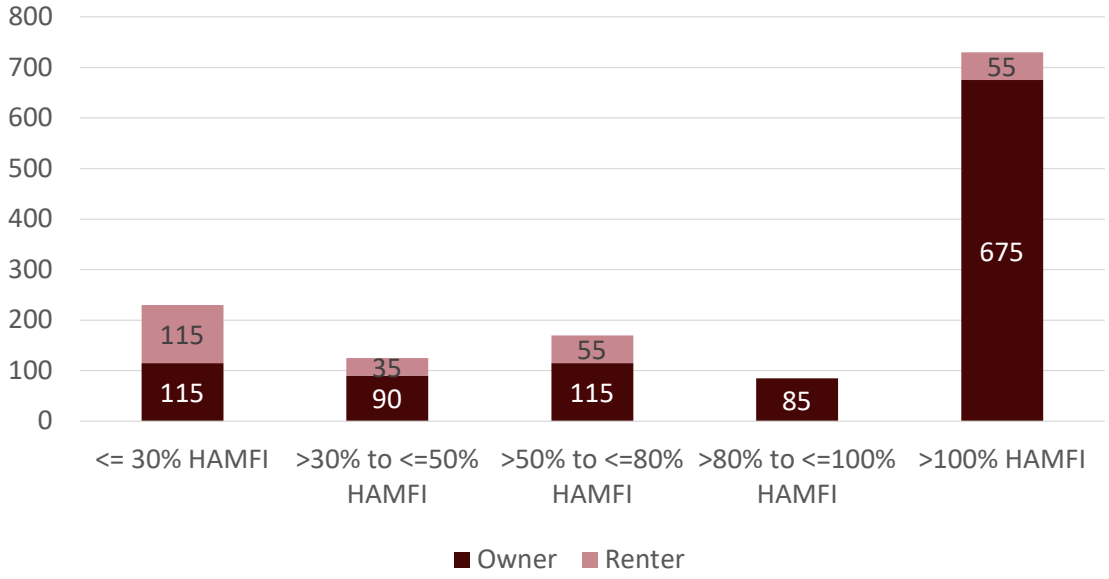
A deeper look at household income by tenure finds a notable gap between owner and renter median income (Figure 23). This may be due to a higher share of older residents living on savings or social security, bringing the median income down. In any case, the data reaffirms that affordability solutions will be needed for lower-income homeowners and renters living in Essex.

Table 1: 2024 HUD Area Median Income Limits for Greater Boston

Household Size	Area Median Income (AMI)	80% AMI (Low-Income)	50% AMI (Very Low-Income)	30% AMI (Extremely Low-Income)
1-Person	$114,000	$91,200	$57,100	$34,300
2-Person	$130,250	$104,200	$65,300	$39,200
3-Person	$146,563	$117,250	$73,450	$44,100

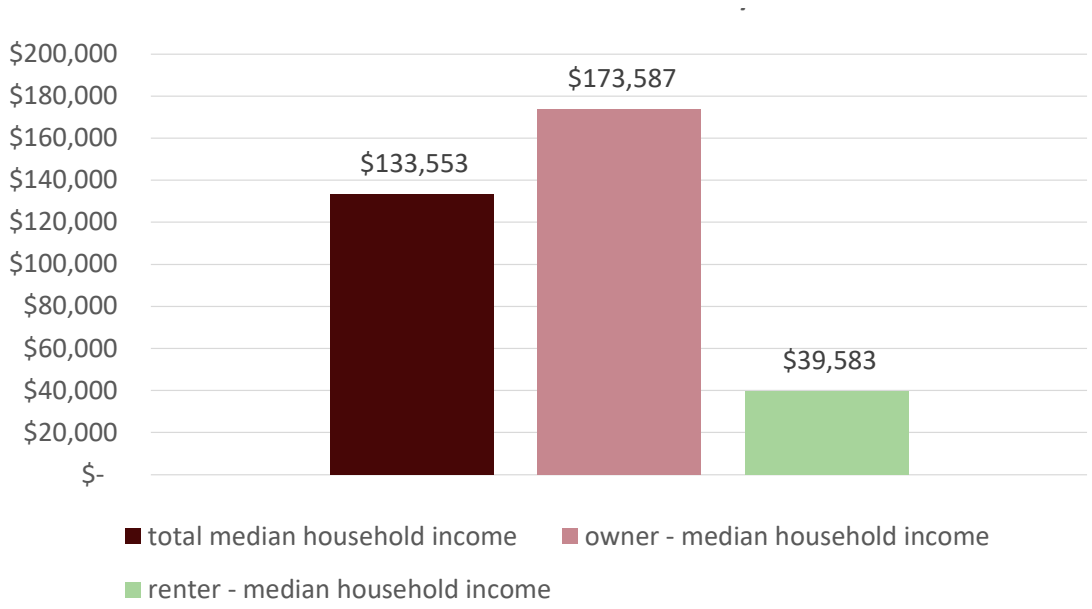
Source: huduser.gov/portal/datasets/il.html

Figure 22: Household by Income Status, Essex, 2021



Source: United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy dataset, 2016-2021 Estimates

Figure 23: Median Household Income by Tenure, Essex, 2022

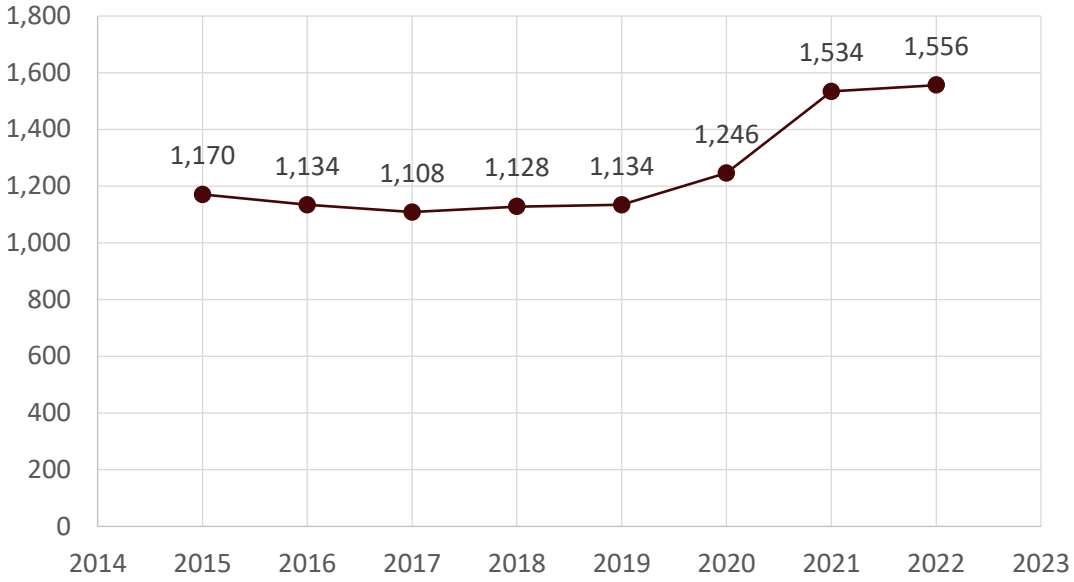


Source: American Community Survey 2022 5-year estimates

Household Cost

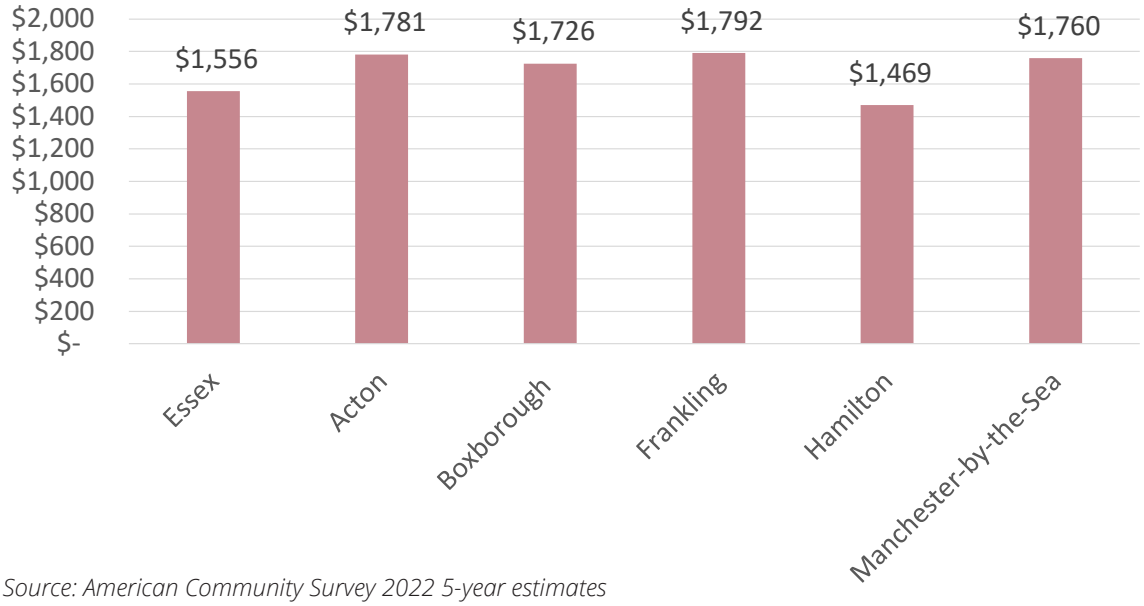
Despite that the majority of households in Essex earn moderate or high incomes (61%), the fact that a household earning six-digit incomes can still be considered low-income is a telling data point to how high the cost of housing is today. Rental prices in Essex have increased over time, with a notable increase after 2020 (Figure 24). In 2022, the median gross rental in Essex was $1,556. Essex is on the lower end of median gross rent compared to its context communities. This could be because there are fewer rental options in Essex. Data on rental prices by bedroom count from 2018-2023 show the median rent was $1,625 for a one-bedroom apartment and $2,400 for a two-bedroom apartment in Essex.[3] As rental prices continue to rise and supply declines, affordable housing options for Essex renters are limited.

Figure 24: Median Gross Rent, Essex, 2015-2022



Source: American Community Survey 2022 5-year estimates

Figure 25: Context Communities by Median Gross Rent



Source: American Community Survey 2022 5-year estimates

3 2018-2023 MAPC Rental Listings Database

Despite some fluctuations, sales prices for single family houses have also risen over time (Figure 27). After 2018, there was a steady increase in median sale price, reaching the highest price in 2023 of $862,500. In 2024, the median sale price for a single family home dropped to $755,000. Similarly, condo sales have varied over time, and the data shows a comparable trend in price within the last several years. Except for Manchester-by-the-Sea, median sale prices for the other context communities are also rising over time (Figure 28).

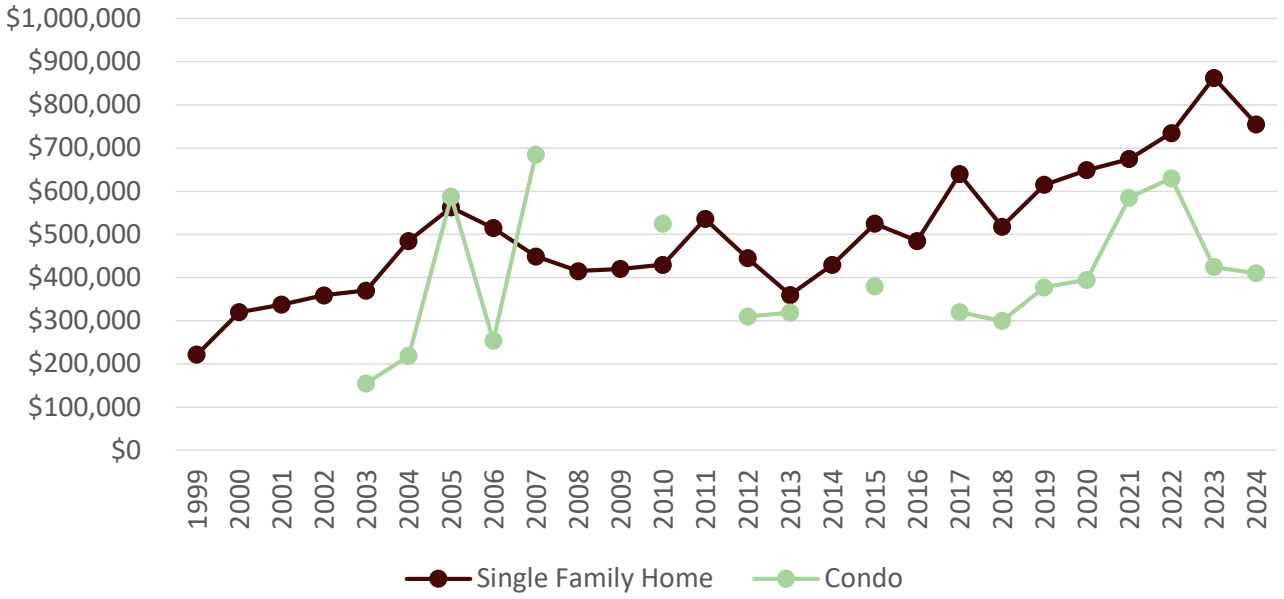
Another way to gauge affordability is to consider the gap between median household income and median home price (Figure 26). This tells us whether the average Essex household could afford to move into the average Essex house. For both Essex renters and homeowners, there is an affordability gap. Renters would need a median income of $74,240 to afford the median rent. Based on household income data, 29% of households in Essex cannot afford rent. For those looking to own a home in Essex, they would need just a little more than $200,000 to afford a conventional mortgage. About 70% of households currently living in Essex are not making enough to afford a mortgage. The income gap between median household income and the income needed to afford a house in Essex, selling at the median price with a traditional mortgage, is $67,000. The affordability gap increases to $91,000 when considering putting a low down payment on a mortgage.

Figure 26: Housing Affordability Gaps in Essex, 2022



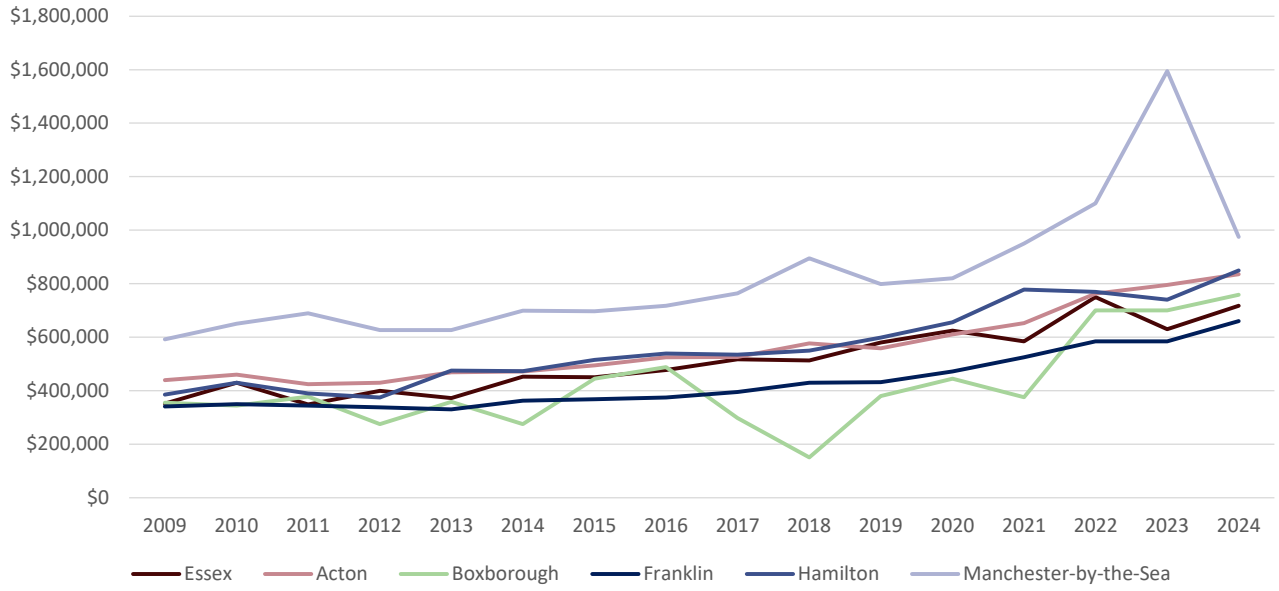
Source: 2022 American Community Survey, 5-year estimates, The Warren Group, MAPC Rental Listings Database, 2025 standard APR 30-year mortgage rate, and reasonable assumptions about the costs of insurance, utilities, and taxes.

Figure 27: Median Sale Price, Single Family Home and Condos, Essex, 1990-2024



Source: The Warren Group

Figure 28: Context Communities by Median Sale Price, Essex, 2009-2024

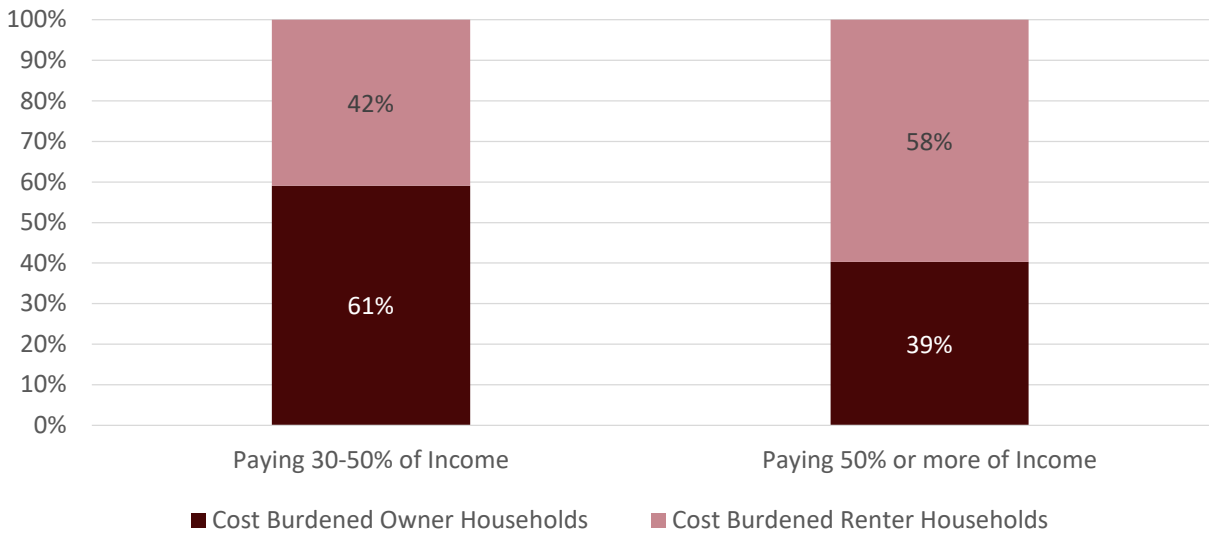


Source: The Warren Group

Cost Burden

Affordability is also determined by how much of a household's income goes towards housing costs. Households that pay more than 30% of their income towards housing are considered cost-burdened. Severely cost-burdened households pay 50% or more of pre-tax income on housing costs. Cost-burdened families, especially those with lower incomes, are less likely to be able to afford other expenses such as transportation or medical care. In Essex, about 1/3 of households are considered cost-burdened. Of the cost-burdened households, 55% are paying a third to a half of their income on housing costs. Approximately 45% are paying at or above half of their income on housing costs, making them severely cost-burdened. When considering housing tenure, about 70% of owner-occupied households and 30% of renter-occupied households are cost-burdened. Although the majority of cost-burdened households are owner-occupied, renters are more likely to be severely cost-burdened, paying 50% or more of their income on housing (Figure 29).

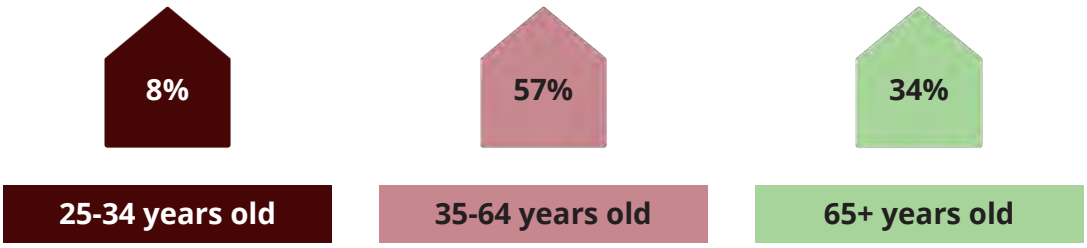
Figure 29: Cost Burden Households by Tenure, Essex, 2022



Source: American Community Survey 2022 5-year estimates

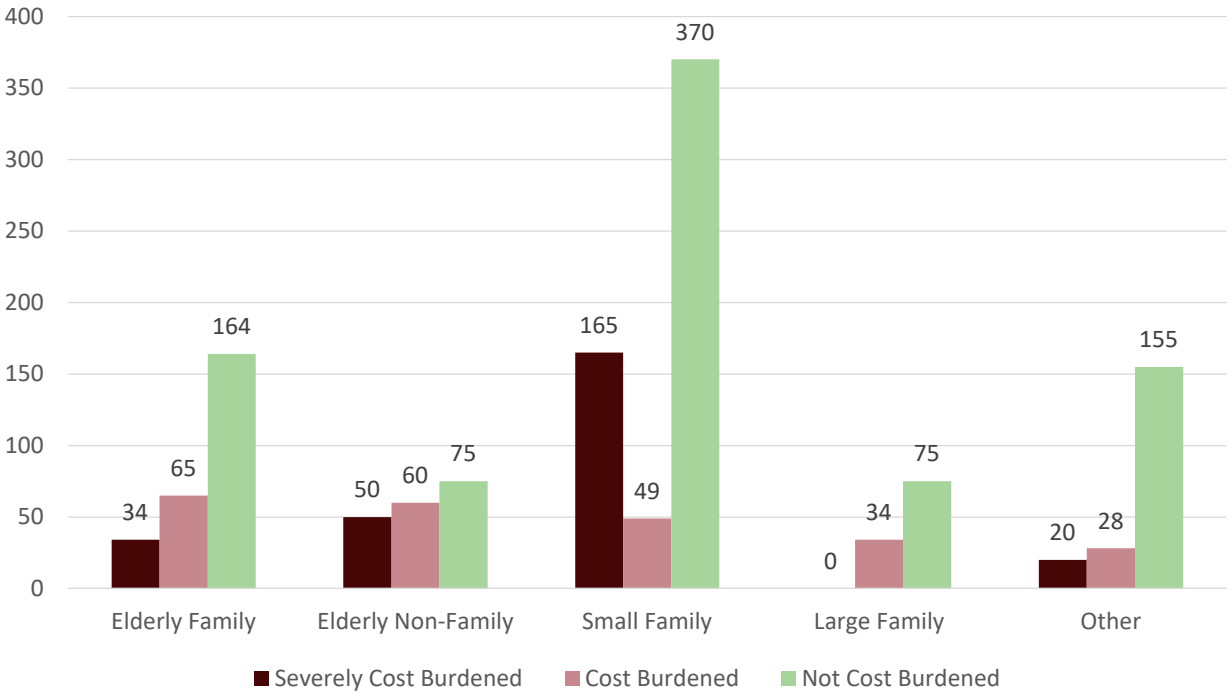
To better understand which population groups are cost-burdened, American Community Survey (ACS) data is further broken down by age and household type (Figure 30). Of the households that are cost burden, the majority fall within the 35 to 64 years old age range (57%). Residents 65 years or older make up 34% of cost-burdened households, whereas only 8% of cost-burdened households are 25 to 34 years old. This trend indicates that housing cost burdens do not ease as residents get older. Regarding family status, small family households are more severely cost-burdened, and elderly households are more cost-burdened compared to other household types (Fgure 31).

Figure 30: Cost Burden Households by Age, Essex, 2021



Source: United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy dataset, 2021 Estimates

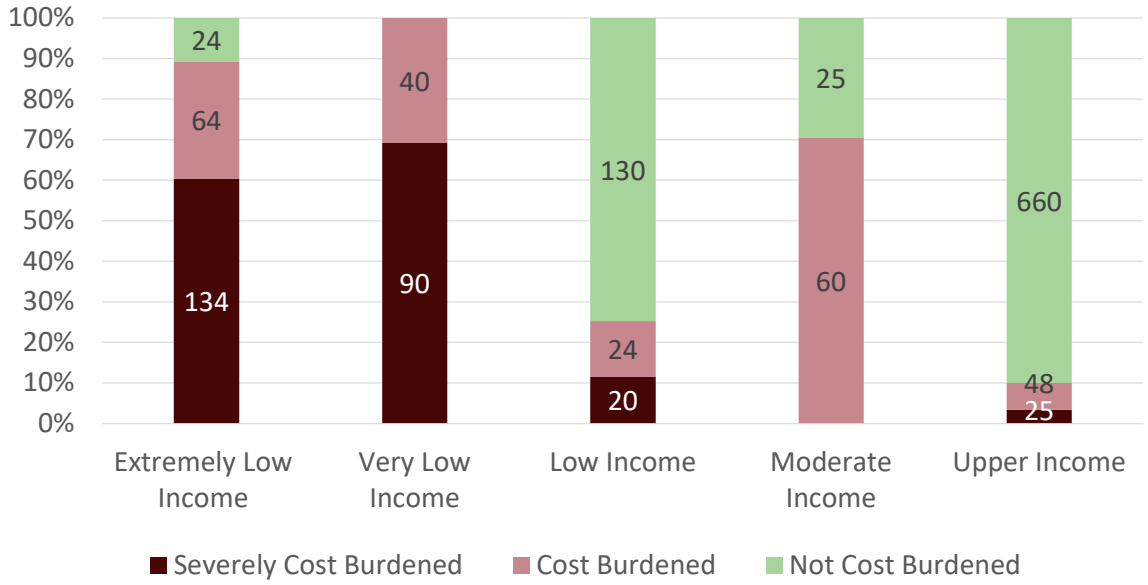
Figure 31: Cost Burden Households by Household Type, Essex, 2021



Source: United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy dataset, 2021 Estimates

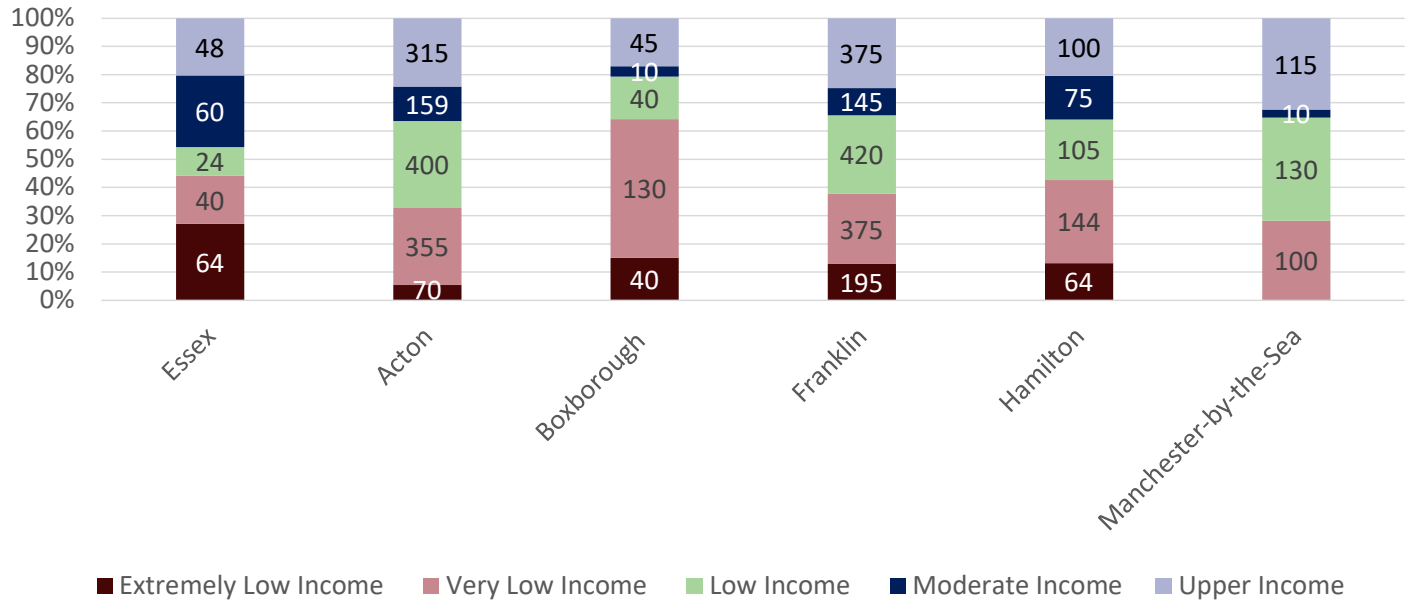
Considering income status, extremely low-income (ELI) and very low-income (VLI) households spend most of their income on housing costs. 60% of ELI households are severely cost-burdened, and 29% are cost-burdened. For VLI households, 69% are severely cost burdened, while 31% are cost burdened (Figure 32). In contrast, the majority of low-income households (75%) are not cost-burdened. Meanwhile, 71% of moderate households are cost-burdened, paying more than 30% of their income on housing. Compared to its context communities, Essex has a larger proportion of ELI and moderate-income households that are cost-burdened.

Figure 32: Cost Burden Household by Income Status, Essex, 2021



Source: United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy dataset, 2021 Estimates

Figure 33: Context Communities by Cost Burden Households By Income Status, 2021



Source: United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy dataset, 2021 Estimates



Development Constraints

Development Constraints

There are several constraints on housing development in Essex. In this section, we examine the Town's current housing toolkit and capacity to meet local housing needs, as well as the infrastructure, zoning, and environmental conditions that limit housing development in the town.

Current Housing Toolkit

Affordable Housing Trust and Committee

The Essex Affordable Housing Trust was established at the May 2022 Town Meeting[4] to create and support Affordable Housing within the town of Essex, overseen by a volunteer committee operating under section 2-28 of the town bylaw. The Affordable Housing Trust Committee oversees the trust and serves as the voice of town residents in making homes in Essex more affordable. Their mission relates to the town, making Essex more affordable for everyday working people; it is not a committee tasked with directly overseeing the Housing Authority. As written in section 2-28 of the town bylaw: "The purpose of the Trust shall be to provide for the creation and preservation of affordable housing in the Town of Essex for the benefit of low and moderate income households and for the funding of community housing as defined in Chapter 44B."

The Committee's seven members are appointed by the Board of Selectmen. They consist of a representative from the Board of Selectmen, the Planning Board, the Community Preservation Committee, the Finance Committee (this may be a former member of the Finance Committee), the Housing Authority, as well as two at-large committee members.

Affordable Housing Trusts serve as vessels for real property and funding, all of which is restricted to being used for mission-driven purposes. They can undertake planning efforts ("Welcome Home, Essex" was paid for by The Committee), issue grant money, develop housing, or partner with another organization to develop housing. Additionally, they can accept payments as a fee-in-lieu in communities with inclusionary zoning requirements, as well as accept donations of cash, real property, and in-kind contributions. All the Trust's powers are explicitly defined under town bylaw 2-28E, a list of powers typical of Affordable Housing Trusts in Massachusetts.

The town website lists various ways for people to get involved in making Essex more affordable. This list includes:

- Making donations to the trust or an Affordable Housing development.
- Deed restricting property you own so that it will be used for Affordable Housing.
- Housing rehab to support Affordable Homes.
- Supporting the preservation of homes currently on the Subsidized Housing Inventory.
- Support programs that help low-and moderate-income families make purchases or repairs.
- Advocate for town funds to be spent on Affordable Housing initiatives.

To date, The Committee has been funded by two $100,000 appropriations and an annual 10% of the local budget from Community Preservation Act funds.

Housing Authority

The Essex Housing Authority maintains a single property for elderly and disabled residents. This property at Chebacco Terrace manages 40 units across five two-story buildings. There are no family units at Chebacco Terrace.

These are the only Affordable Housing units in Essex and comprise all the units on the Town's subsidized housing inventory (SHI). Since these units are restricted to the elderly and disabled,

4 For all information about the powers of the Affordable Housing trust and the enabling local bylaw, refer to Article 15 of the May 2, 2022, town meeting minutes at https://www.essexma.org/DocumentCenter/View/738/May-2-2022-ATM-Minutes-PDF

Affordable Housing options for other income-eligible households are extremely limited. There are no modern or privately developed Affordable Housing units in Essex that are available to the broader community.

Housing Authority properties also tend to be older and in need of maintenance. Recent CPA expenditures, as shown in Table 2, indicate that ongoing maintenance is necessary, with funds being allocated for walkway and painting improvements.

Table 2: Number of housing units on Essex's Subsidized Housing Inventory, 2023[5]

Essex	
2020 Year-Round Housing Units	1,549
Total Development Units	40
SHI Units	40
Percentage	2.58%

Feedback from community members during the engagement process for this plan shows that the people of Essex want to continue supporting and expanding the capabilities of the housing authority. Keeping and maintaining the existing units as suitable homes, along with adding additional units and more stories, are two main requests that the planning team has often heard from Essex residents.

The Housing Authority has largely focused on approving routine expenditures, presenting vacancy reports to the state's Executive Office of Housing and Livable Communities (EOHLC), and addressing resident concerns about the properties in recent years. The application process and waitlist for occupancy is managed at the state level.

All housing authority properties adhere to the Net Income Limits by Household Size for Determining Admission for State-Aided Housing Programs for the Boston statistical metro area, as determined by the United States Department of Housing and Urban Development (HUD). These are set at 80% of the area median income (AMI), and for 2025, the income limits are shown in Table 3 below.

Table 3: Income Limits by Household size for 80% AMI, Boston Metro 2025

Household Size	
1-Person Household	$92,650
2-Person Household	$105,850
3-Person Household	$119,100
4-Person Household	$132,300
5-Person Household	$142,900
6-Person Household	$153,500
7-Person Household	$164,100
8-Person Household	$174,650

These are the upper income limits for qualifying for Affordable Housing in the entire Boston metro area. The income for a resident living at Chebacco Terrace is likely to be lower, closer to 30% of the AMI.

Community Preservation Committee

Essex's Community Preservation Act (CPA) was established at the Annual Town Meeting and town election of 2007 to act as a vehicle to implement the Massachusetts Community Preservation Act (M.G.L. 44B) locally. The following year, the town's Community Preservation Committee (CPC) was formed following the fall Town Meeting. The Committee studies options and makes recommendations for how CPA revenue should be spent. Their charge is to study the town's "needs, possibilities, and resources" regarding community preservation. This committee is appointed by the Board of Selectmen and consists of representatives from the Conservation Commission, the Historical Commission, the Planning Board, the Department of Public Works Board of Commissioners, the Housing Authority, and two at-large members.

There are two primary sources for local CPA

5 The most current SHI data is available at https://www.mass.gov/info-details/subsidized-housing-inventory-shi

Table 4: Completed CPA Projects that had returned, unspent funds, CPC 2025 Annual Report

Projects in Flight as of FYE 2024	Meeting Date	Article	Unspent Balance	Status per CP-3 Report	Status Date
A30/ATM/6-13-20 Housing Authority Exterior Walkway	6/13/2020	30	$10,231	Complete	9/9/2024
A30/ATM/6-13-20 School House Climate Control	6/13/2020	30	$9,000	Complete	9/9/2024
A30/ATM/6-13-20 Hearse House Preservation Repairs	6/13/2020	30	$8,755	Complete	9/9/2024
A22/ATM/5/15/22 Repair of Historic Cogswell Tomb	5/15/2022	22	$2,500	Complete	9/9/2024
ATM05/20 ART 24 Housing Auth Painting Completion	5/6/2019	24	$1,911	Complete	9/9/2024
ATM05/18 ART 23 School House	5/7/2018	23	$1,224	Complete	9/9/2024
A12/11-16-15FTM Spring Street Fence Add'l	11/16/2015	12	$445	Complete	9/9/2024
Total Completed Projects with Unspent Funds that can be returned			**$34,066**		

funding. The first is a 1.5% surcharge on local property taxes (increased from 0.5% in 2015). The first $100,000 in value of a property is exempt from the surcharge, and low- and moderate-income seniors are completely exempt. The second is matching funds distributed by the state. These funds are collected through a $20 fee on real estate transactions. This fee is collected into a state-administered "CPA Trust Fund" and then distributed between all Massachusetts communities that have locally enacted CPA.

By law, CPA funding can only be spent on community preservation projects for open space, affordable housing, historic preservation, and recreation. At least 10% of annual funds must be allocated to each of the following areas: open space, affordable housing, and historic preservation. The remaining 70% of the funds can be spent on any of the four categories, and up to 5% of the budget can be allocated to administrative expenses. The CPC is a recommending body to Town Meeting, and Town Meeting must vote to approve all the committee's expenditures.

The CPC meets regularly to discuss ways that the CPA money can be spent, including reviewing funding applications from the public. To be considered, applicants must provide the amount they are requesting, the total project cost, a detailed project description, goals, timeline, budget, and the level of community support (including board and commission involvement) the project has.

Table 5: CPA Fund Reserve Transfers, FY2026

Line Item	Amount
Open Space	$26,835
Historic Resources	$26,835
Community Housing	$26,835
Budget Reserve	$174,429
TOTAL	**$254,934**

Table 6: Current Projects in Progress, CPC 2025 Annual Report

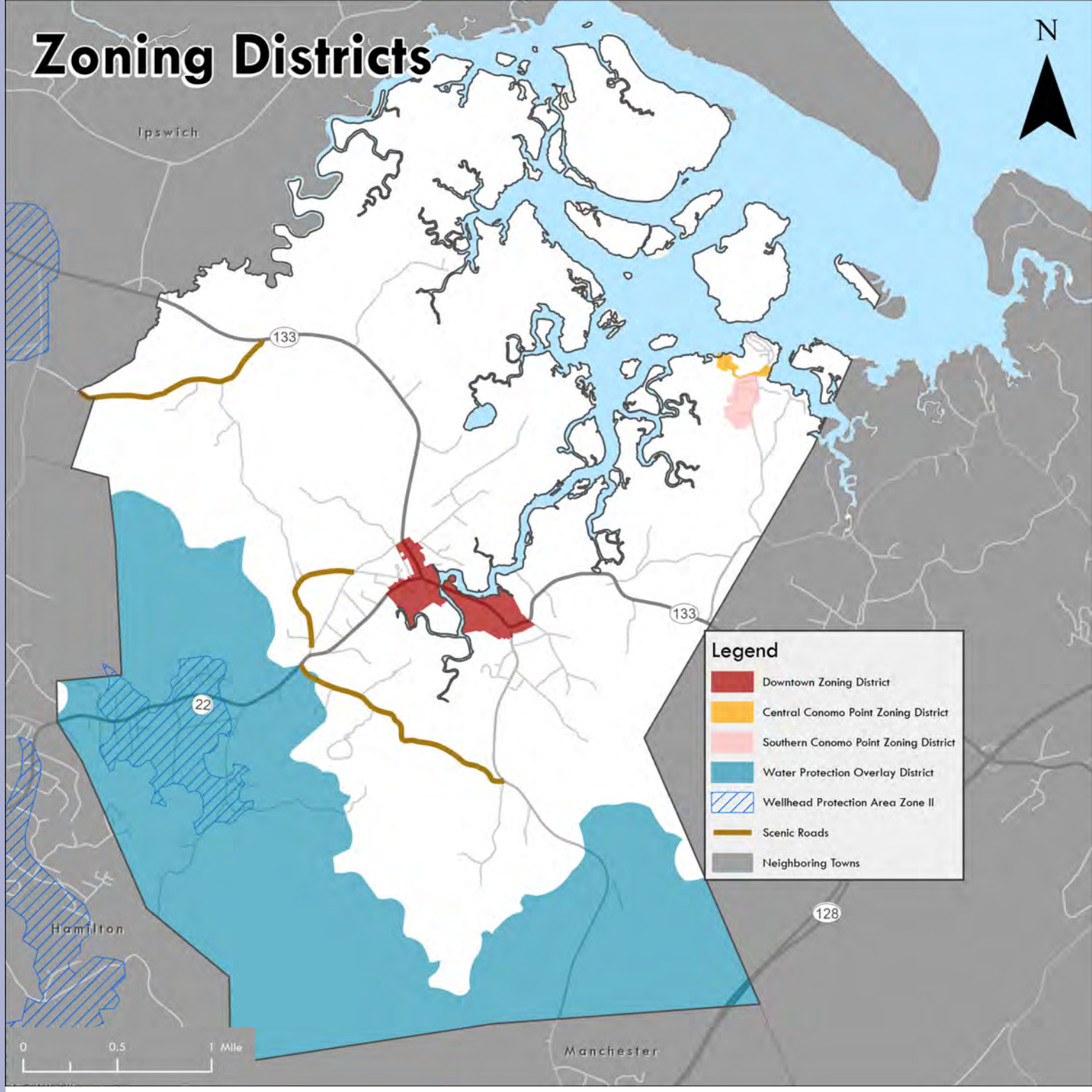
Projects in Flight as of FYE 2024	Meeting Date	Unspent Balance	Requestor	Contact	Status	Status Date
A12/11-16-15FTM Preserve T.H. Vault Items	11/16/2015	$260			In Progress	9/9/2024
A5/11-15-21/ATM/Tennis Courts	11/15/2021	$49,999			In Progress	9/9/2024
A22/5/15/21/ATM Historic Pumper Fire Shed	5/15/2021	$13,080	BOS	Brendhan Zubricki	In Progress	9/9/2024
Affordable Housing Trust Reserve	5/1/2023	$100,000	Trust	Alva Ingaharro	In Progress	9/9/2024
Centennial Grove Restrooms	11/1/2023	$275,000	EDC	Jodi Harris	In Progress	9/9/2024
Affordable Housing Trust Reserve	11/1/2023	$100,000	Trust	Alva Ingaharro	In Progress	9/9/2024
Folsom Pavilion Construction	11/1/2023	$60,390	EDC	Jodi Harris	In Progress	9/9/2024
Town Pound Stone Wall Restoration	11/1/2023	$12,650	HC	Jay Tetzloff	In Progress	9/9/2024
Essex Shipbuilding Museum Repairs	11/1/2023	$2,164	Shipbuilding museum	KD Montgomery	In Progress	9/9/2024
CPC FY25 Administrative Expenses	5/1/2024	$14,272	CPC	Jay Tetzloff	In Progress	9/9/2024
Subtotal In-Flight as of FYE 2024:		**$627,815**				
Total CPC Projects in Progress as of 12/31/2024		**$661,882**				

Zoning District Context

The Town of Essex has a unique zoning bylaw that allows residential, commercial, and industrial uses to be located anywhere, if lot dimensional requirements are met (Map 2). Lenient zoning regulations have historically served the Town well, largely due to environmental conditions, such as soft and hard soils, wetlands, and permanently protected open spaces, which have effectively acted as natural development constraints. Essex first enacted zoning in 1959, opting not to establish conventional districts based on use; instead, it adopted a single "general" zoning district. That district remains the base zoning district for over 98% of the town today.

The zoning bylaw does not contain a use table organized by district, typical of zoning laws in the United States. Instead, the bylaw is organized by principal use classification. Section 6-3.1 lists six land use categories that are permitted within the general use zoning district:

- **Residential –** One and Two Family. Does not include mobile homes or trailers.
- **Residential** – Multifamily of three or more units.
- **Business –** Any trade, commercial enterprise or nonprofit not manufacturing goods.
- **Hotel and Motel –** These terms are not defined in the bylaw.
- **Industrial –** Two Industrial classifications. Class A is for buildings larger than 2,500 square feet or 12 or more full-time employees, and Class B is for buildings with less than 2,500 square feet or up to 11 full-time employees.



Map 2: Zoning District Map

Essentially, the bylaw has land use restrictions for two residential uses, two commercial uses, and two industrial uses. Single- to three-family conversions and multi-family dwellings may be approved through a special permit.

The table of Dimensional Requirements in the General Use District (Table 7) for land use requires large lots for single-family homes, with a minimum size of close to an acre, and even larger lots for those with three or more homes on them. Setbacks, frontage, and height restrictions are also regulated through this bylaw.

There are three additional base zoning districts:

Table 7: Dimensional Requirements in the General Use District in Essex

Principal Buildings	Residential, Single & Two Family	Residential, Multifammily	Business	Motel and Hotel	Industrial, Class A	Industrial, Class B
Minimum Lot Area (sq. ft.)	40,000 (note e)	60,000 (3 units) 90,000 (4+ units) (Note d)	40,000 (note e)	90,000	90,000	40,000 (note e)
Minimum Lot Frontage (feet) (Note e)	150	300	150	200	300	150
Minimum Lot Width (feet)	150	-	-	-	-	125
Minimum Lot Depth (feet)	100	-	100	-	-	100
Minimum Front Yard, All Buildings	25	100	25	100	100 (Note c)	100 (Note c)
Minimum Side Yard	20	100	20	50	100 (Note c)	100 (Note c)
Minimum Rear Yard	30	100	50	100	100	100
Maximum Building Height (stories/feet)	2 1/2 stories 35 feet	2 1/2 stories 35 feet	2 1/2 stories 35 feet	2 1/2 stories 35 feet	35 feet	2 1/2 stories 35 feet
Maximum Lot Coverage	25%	50% (Note f)	25%	-	33%	33%
Accessory Buildings						
Minimum Front Yard	25	25	-	-	-	-
Minimum Lot Width (feet)	10	10	-	-	-	-
Minimum Lot Depth (feet)	10	50	10	-	-	-
Minimum Front Yard, All Buildings	2 1/2 stories 25 feet	1 story 25 feet	1 story 25 feet	2 1/2 stories 25 feet	-	-
Minimum Side Yard	20	20	-	-	-	-

Notes for the Table of Dimensional Requirements are in the footnote[6] at the bottom of this page.

6 **Notes for Table of Dimensional Requirements, as written in the zoning bylaw**
a. Lot area for land on street in existence on June 7, 1972, minimum 30,000 square feet.
b. Deleted at FTM 2019.
c. Any non-residential project compromised of buildings which in the aggregate occupy any area greater than 10,000 square feet shall meet the following: Front yard 50 feet, Side Yard 30 feet.
d. Minimum land area per bedroom, 5,000 square feet. Maximum 8 bedrooms per building.
e. Reasonable capability for adequate access to principal building is required over frontage.
f. Maximum lot coverage for buildings and paved surfaces

the Downtown zoning district, the southern Conomo Point zoning district, and the central Conomo Point zoning district.

The Downtown Zoning District encompasses around 90 acres in Essex's downtown, primarily along Main Street. It includes the Town Hall, the main Town Landing, businesses, homes, and open space. Residential, commercial, industrial, and mixed-use are allowed here. This district was established to create a more vibrant downtown and provide for more land use as of right. Single- and two-family residential, multi-family residential up to 4 units, mixed-use buildings with 2-3 units, business, and industrial Class B are all allowed to be built here as of right. Additional housing units can be constructed on a lot with a special permit. This district also has different regulatory requirements that make development easier. The minimum lot size is 10,000 square feet, a 75% maximum impervious surface lot coverage, and a 35ft maximum building height in this zoning district. The ability to build multi-family housing by right, along with transit system connectivity and numerous nearby amenities, makes the Downtown District an ideal location for Affordable Housing.

As of the drafting of this plan, Essex has approved modifications to the Downtown District to ensure compliance with the MBTA Communities Act (M.G.L. 40A, 3A). This was achieved by increasing the number of units allowed to be built by-right on any parcel from four to six and removing the minimum lot-size requirement for multifamily development in the Downtown District. Other development constraints, such as flooding, will further limit development potential in the downtown district, as they have for years.

Neither of the Conomo Point zoning districts will be considered for Affordable Housing development. While Southern Conomo Point has a subdistrict that allows for single-family development by right, the other subdistrict, as well as the entirety of the Central Conomo Point zoning district, allows seasonal homes only by right, with occupancy limited from April 15 to October 15. In the winter, weather conditions and the location of the pipes at grade, make it difficult for water supply access, so the town has taken steps to make this area habitable only during warmer months.

There are three overlay districts that address additional concerns regarding water-related challenges: the Water Protection Overlay District (shown on Map 2), the Floodplain Overlay District (encompassing all flood areas designated by FEMA), and the Wetlands Overlay District (where wetlands are present). For the purposes of this housing production plan, land within the Wetlands Overlay District and the Flood Plain Overlay District will generally not be considered as Affordable Housing opportunity sites. The Water Protection overlay district has additional regulations that may require a special permit for building housing; however, it does not preclude this overlay district from being developable, and places within this district will be considered for Affordable Housing development. The Water Protection Overlay District is discussed in detail on page 76.

Permitting Process

The Town of Essex has a unique zoning bylaw Essex has a long history of allowing private property owners the right to use their land as they see fit. Many projects do not require site plan review, and single-family residential use does not require site plan review by the planning board. Other uses, regardless of type, require site plan review for construction, reconstruction, or relocation if the ground floor footprint is at least 2,500 square feet. To pass site plan review, the applicant must meet the requirements for traffic, parking, drainage control, existing vegetation, amenities, town character, screening, and the use of hazardous materials. This is in addition to any project-specific criteria that the Planning Board must take into consideration. These are defined in the zoning bylaw under section 6-10.7.2.

For all instances where a special permit is required, the Planning Board is the authority responsible for granting special permits. When a special permit is granted, the applicant must commence construction or operations within

two years of the permit's issuance.

Constraints Analysis

Essex is a relatively small community with 14 square miles to accommodate all the town's needs and wants, placing the town in the bottom quartile for Massachusetts municipalities. This physical constraint is further limited by the fact that Essex has approximately 5 square miles (3,200 acres) of permanently protected open space – about 35% of the town's total land area. Additionally, there is a total of 8.7 square miles (which includes the permanently protected open space) of land that the Massachusetts Executive Office of Housing and Livable Communities has determined is generally undevelopable, due to deed restrictions, environmental restrictions (such as wetlands), long-term land use, and property ownership (schools, museums, etc.). This leaves approximately 5.3 square miles remaining for potential development, much of which is soft soil or sloping, hard bedrock that is difficult to develop. Even more so if the property must rely on a septic system for wastewater management, as sewer capacity does not extend town-wide. Given these constraints, options for development are even fewer than the 5.3 square mile remainder would suggest.

The population size of Essex, one of the smallest in the state, means that local educational opportunities in town are limited. Children in grades K-5 attend the local Essex Elementary School on Story Street. There are no dedicated middle or high schools in Essex; instead, students attend Manchester-Essex Regional Middle School and Manchester-Essex Regional High School, located in neighboring Manchester-by-the-Sea. All three of these schools are part of the Manchester Essex Regional School District.
The remainder of this section of the plan highlights the most significant existing conditions that may hinder development in Essex. Many of them are natural, such as wetland and soil, and others speak to existing land use and transportation.

Wetlands

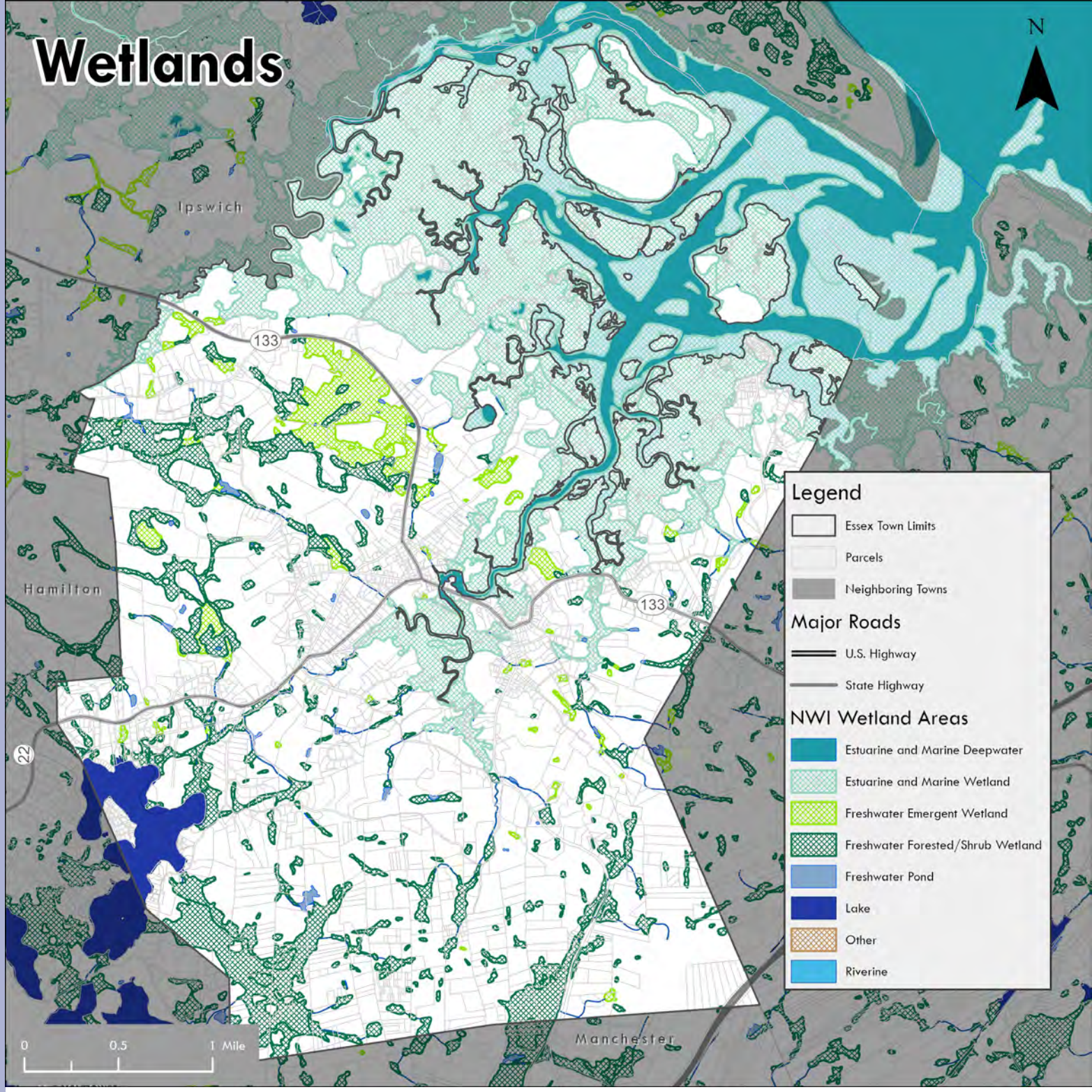
The National Fish and Wildlife Service (USFWS) compiles a National Wetlands Inventory. This inventory, made available through MassGIS, shows the extent and approximate type of wetlands, riparian areas, deepwater habitats, and other aquatic habitats (Map 3).

Wetlands generally represent a myriad of land use considerations and constraints. They are often home to great biodiversity for birds, insects, fish, and amphibians. They retain water and are prone to flooding. The ground is soft and usually appear more stable than they actually are. Simply put, they are challenging to build on.

The NWI dataset explicitly maps seven distinct wetland types, based on the Cowardin wetland classification.

- Estuarine and Marine Deepwater - Open water estuary, bay, sound, open ocean. Estuarine and Marine subtidal water (E1, M1).
- Estuarine and Marine Wetland - Vegetated and non-vegetated brackish and saltwater marsh, shrubs, beach, bar, shoal, or flat. Estuarine intertidal and Marine intertidal wetland (E2, M2).
- Freshwater Emergent Wetland - Herbaceous marsh, fen, swale, and wet meadow. Palustrine emergent (PEM).
- Freshwater Forested/Shrub Wetland - Forested swamp or wetland, shrub bog or wetland. Palustrine forested and/or Palustrine shrub (PFO, PSS).
- Freshwater Pond - Pond. Palustrine unconsolidated bottom, Palustrine aquatic bed (PUB, PAB).
- Lake - Lake or reservoir basin. Lacustrine wetland and deepwater (L).
- Riverine - River or stream channel. Riverine wetland and deepwater (R).
- Other - Farmed wetland, saline seep, and other miscellaneous wetlands. Palustrine wetland (Misc. types, PUS, Pf).

Wetlands influence how land can be used because they hold water, have soft soils, and are prone to flooding. Even when the surface appears dry, waterlogged soils beneath can



Map 3: Wetlands Locations in Essex, MA

limit the types of buildings or infrastructure that are possible. Essex's location as a low-lying, coastal community means that wetlands pose a significant constraint on development. At over 5,600 acres, 62% of Essex's land is comprised of some type of wetland, with marine and forested wetlands being among the most common.

Wetlands must be understood as more than obstacles to building; they have intrinsic ecological value within the community. In Essex, the water and the land coexist, with the role of wetlands changing over time. Designed to meet the ecological needs of storing water, filtering runoff, and supporting biodiversity, they have been forced to carry additional burdens to support development, including absorbing runoff, pollution, and flooding resulting from nearby development. These areas should be treated with care to reduce flood risk while maintaining the character of the town people value and appreciate. Planning choices around wetlands will create a safer, healthier Essex.
All the present wetland areas within Essex make up the Wetlands Overlay (Zoning) District (WOD).

Development is heavily restricted within the WOD. Many municipalities in the Boston metro area have development restrictions for wetlands, often with a mechanism for approval from a board or commission, provided the property owner can demonstrate that the proposed development would not harm the ecosystem or neighboring properties. In these cities and towns, wetlands make development more difficult, but not impossible.



Photo by John Cruz.

That is not the case in Essex, where the WOD's permitted use regulations allow only for structures such as duck blinds, dams, private boathouses, or temporary structures used in connection with fishing and farming.

Table 8 is the list of uses permitted as of right in Essex wetlands, as listed in Section 6-3.4.1.3a of the zoning bylaw.

6-3.4.1.3b of the zoning bylaw lists very explicit development restrictions and states that other than the items laid out in Table 8, "none of the following shall be permitted in the wetland district".

1. Land fill or dumping.
2. Construction of buildings or other structures.
3. Dredging.
4. Permanent storage of materials or equipment.

This means that all building construction is prohibited unless the bylaw grants an exception. There is no bylaw exemption for constructing new buildings with residential (commercial, or industrial) use. Residential homes that were built before the enactment of the bylaw are allowed to remain as pre-existing, non-conforming structures.
Due to the substantial number of restrictions placed on wetlands in Essex, MAPC will not consider areas with wetlands present when establishing the list of potential Affordable Housing development sites. Exceptions may be considered if the parcel is only partially covered by wetlands and the developable part is large enough to suit at least a small multifamily development.

AULs

In Massachusetts, land that has contaminated releases of oil and/or hazardous materials must be reported to the Massachusetts Department of Environmental Protection's (MassDEP) Bureau of Waste Site Cleanup. This is done in

Table 8: Permitted Land Use in Essex Wetlands

Wetland Permitted Uses
1. Conservation area for water, water supply, plants and wildlife, and dams and management shelters necessary for achieving this purpose.
2. Outdoor recreation including play and sporting areas, nature study, boating, fishing and hunting (where legally permitted), footpaths and any non-commercial recreational use.
3. Forestry, raising of livestock, agriculture, aquiculture, nurseries, truck gardening, growing and harvesting of crops, fish and shellfish.
4. Maintenance and repair of existing structures, roadways and utilities.
5. Temporary non-residential structures used in connection with fishing or growing, harvesting, storage or sale of crops, fish and shellfish, raised on the premises.
6. Accessory uses such as flower and vegetable gardens, lawn, fences, flagpoles and non-commercial signs when and as permitted in the underlying district.
7. Dams, excavations, dredging, filling, or grading consistent with the purposes of this section to create or maintain ponds, pools, or other changes in water courses for swimming, fishing, or other recreation uses, agricultural uses, aquiculture uses, scenic feature, or drain improvement, not otherwise prohibited.
8. Duck blinds, private boathouses and landings.
9. All existing non-commercial uses of land prior to the adoption of this bylaw and within the jurisdiction of this bylaw may remain. be maintained, sold, and operated to its fullest capacity by the owner provided that no action is taken to encroach further on the wetlands.
10. Dredging required to maintain existing marine operations, not otherwise prohibited.
11. Dredging, enlarging or draining for mosquito or flood control authorized by public agency.

accordance with M.G.L. Chapter 21E. MassDEP provides a publicly available geospatial dataset that is a subset of this data where the parcel has an Activity and Use Limitation (AUL).

An AUL is a "legal document that identifies activities and uses of the property that may and may not occur, as well as the property owner's obligation and maintenance conditions that must be followed to ensure the safe use of the property." Cleanup efforts on these sites to remediate pollution are reported to MassDEP, and detailed information about each AUL site is provided. AUL sites reveal where past choices have left behind legacies of contamination and hidden presences that necessitate care before redevelopment can proceed.

This geospatial data identifies points and is considered approximate, rather than exact, as the extent of ground pollution is often greater than it appears on the surface.

There are four (4) AUL sites within the Town of Essex (Map 4). For the purposes of planning and addressing housing needs, the parcels for these sites are not recommended as suitable locations for Affordable Housing production. The Town of Essex does not address AULs in the town bylaws.

BioMap2

In 2001, the Massachusetts Division of Fisheries and Wildlife (MassWildlife) partnered with the Massachusetts Chapter of The Nature Conservancy, a national nonprofit organization, to develop a comprehensive conservation tool to better understand where biodiversity in Massachusetts can be protected.

This mapping tool provides two datasets for the public, as defined by the Massachusetts government.[7]:

- Core Habitat (CH) identifies areas critical for the long-term persistence of rare species, exemplary natural communities, and resilient ecosystems.
- Critical Natural Landscape (CNL) identifies large landscapes minimally impacted by development and buffers to core habitats and coastal areas, both of which enhance connectivity and resilience.

Both datasets are compiled using mapping and analysis tools, informed by a modern understanding of the landscape and the biology of both conservation and species.

There is a substantial amount of CNL in Essex, covering over 10 square miles and about two-thirds of Essex's total land area (Map 5). This highlights both the importance of the natural world to Essex's character and the sensitivity required for development to ensure that essential ecosystems are not disturbed. Ideally, these areas, as well as the CH, should be avoided entirely when considering suitable locations for development and housing production. This is not always possible, especially in a case like Essex's, where development opportunities are limited.

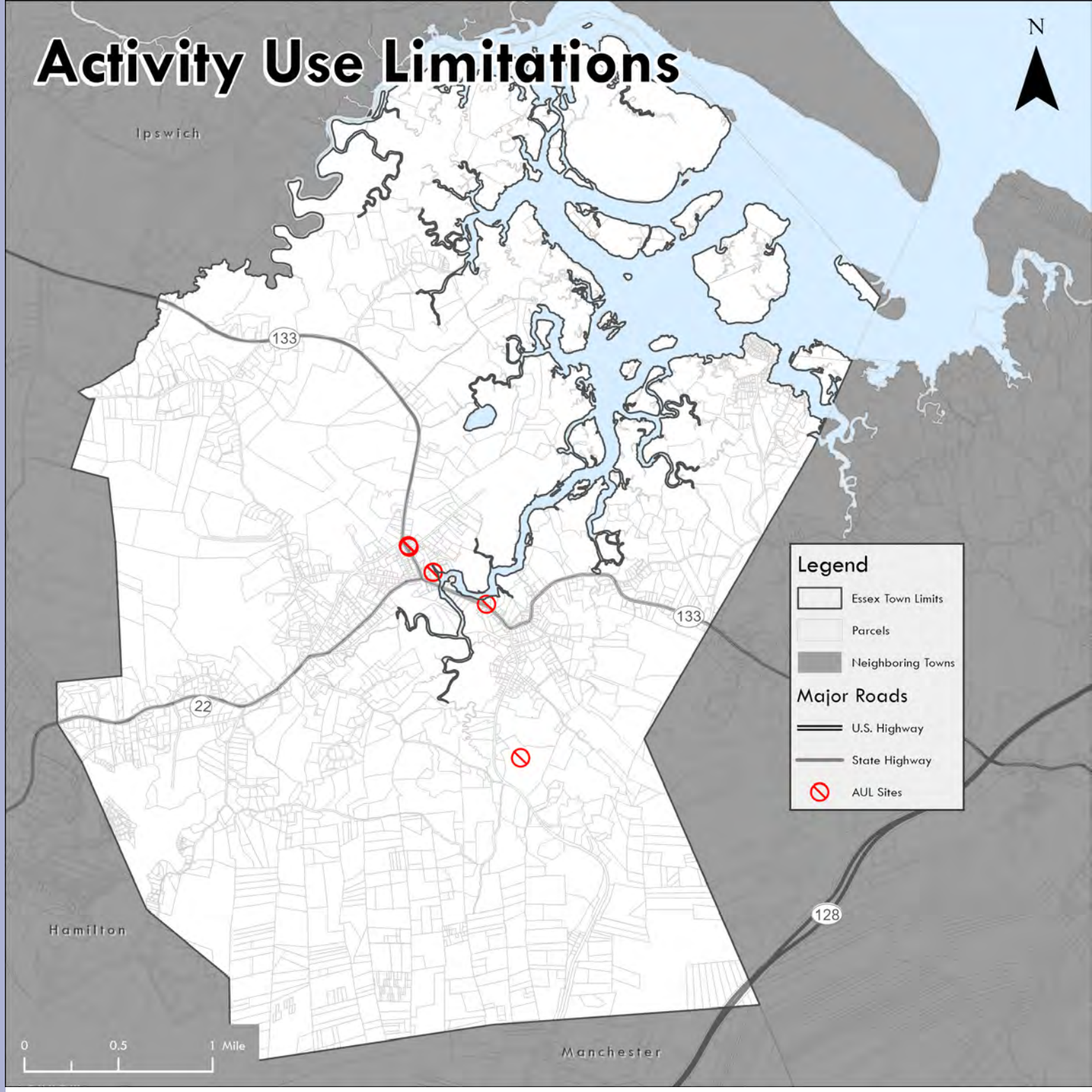
Important considerations for selecting affordable housing sites will include avoiding CNL and CH areas where possible; verifying the accuracy of the dataset; and, if parcels with CNL and CH are selected, ensuring that there is sufficient room to develop on the site without disrupting these sensitive areas.

Elevation Contours

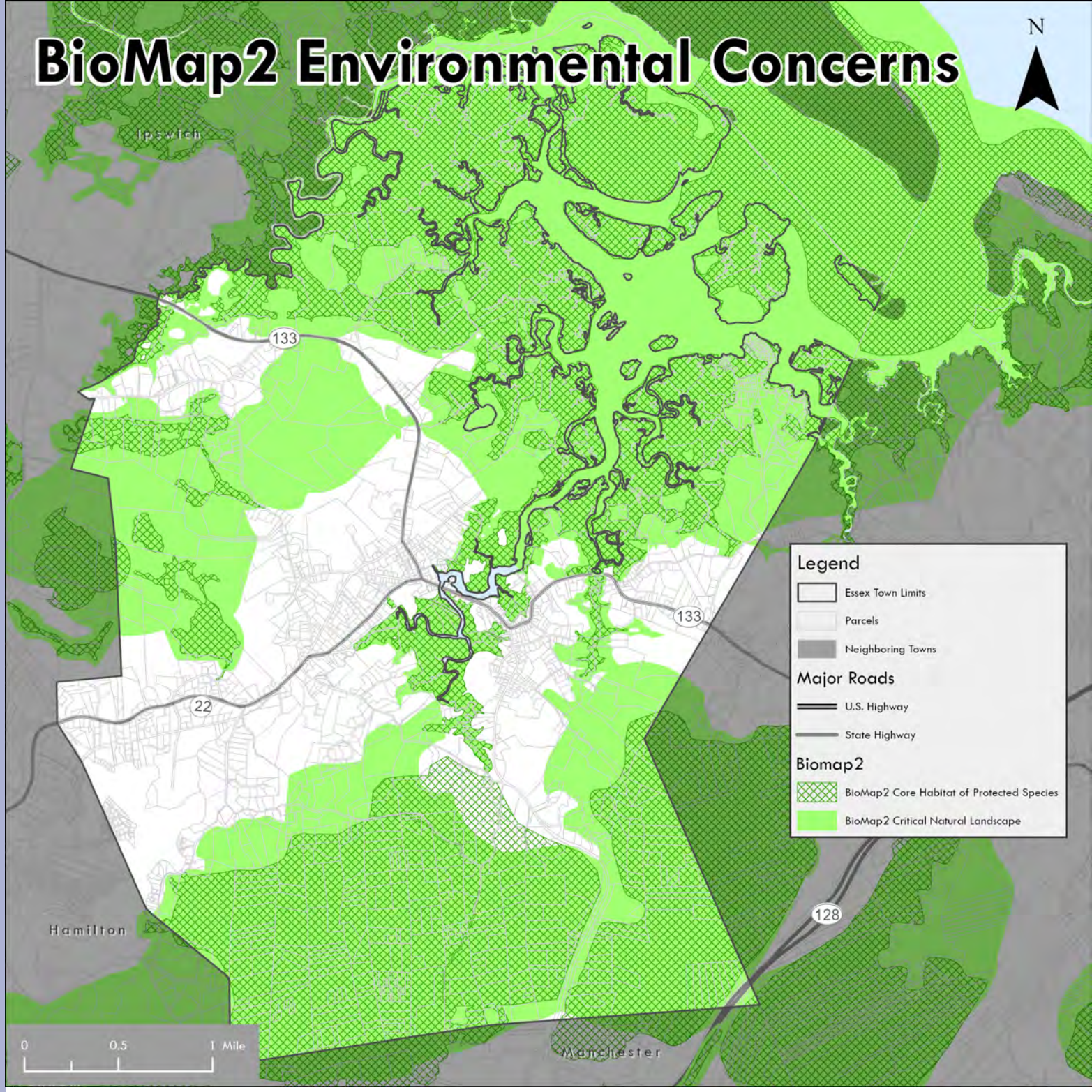
The elevation map shows the contour lines for grade changes within the study area (Map 6). They help us understand both the elevation in meters above sea level of a place and assist the planning team in determining if the grade change is gradual or steep.

Understanding local grade changes is essential when making decisions about the future of development. Massachusetts has a complex landscape, primarily shaped by glaciers, that is

7 Source: https://www.mass.gov/info-details/massgis-data-biomap-the-future-of-conservation



Map 4: Activity Use Limitations, Essex MA



Map 5: BioMap2 Environmental Concerns, Essex MA

home to numerous mountains, coastal lowlands, and undulating landscapes. A too steep slope will be a development impediment, and parcels with steep slopes will be largely unfeasible for affordable housing development due to the additional costs associated with them.

Essex's land features and available infrastructure create additional challenges. If Affordable Housing is considered on a parcel not connected to the municipal water and sewer system, grade changes will likely make adding wells and septic systems very expensive.

Fortunately, for most of Essex, the grade changes are minor, slopes are not steep, and there do not appear to be any substantial development impediments related to grade change. This will be evaluated on a parcel-by-parcel basis during the Affordable Housing site selection process.

Land Use by Land Cover

The Commonwealth of Massachusetts provides the Land Use / Land Cover dataset. Using a combination of aerial imagery from NOAA and tax assessment records of properties, these data are designed to present a more holistic view of how land is used, and not a legal representation of land use. The color-coded symbols in the legend are universal throughout the state.

This land use map provides informational context speaking to the current conditions of land use in Essex (Map 7). It does not reflect zoning patterns over time, nor does it indicate where land use does not conform to zoning regulations. Instead, it shows us what the actual land use is.

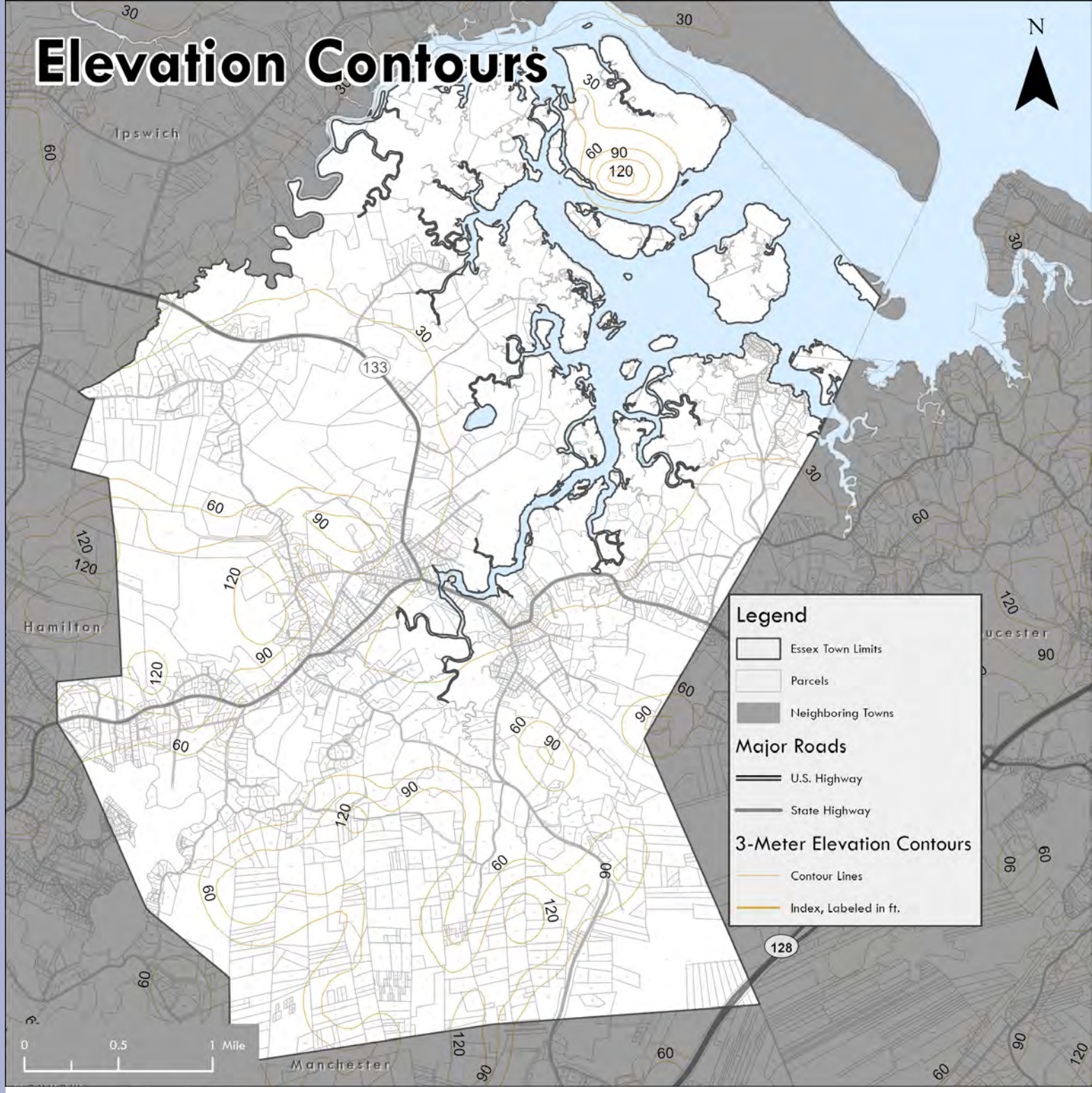
The land use context is not a development constraint; instead, it provides essential information about development patterns in Essex and how these patterns can be influenced by zoning regulations (or the lack thereof) and the natural environment.

This map shows a substantial amount of open space that is interspersed with low-density residential uses. There are few commercial, mixed-use, or other non-residential uses in Essex. The amount of green representing open space and forested areas, as well as light yellow representing pasture areas, is the dominant land use in Essex. Small pockets of industrial land parcels are along the town's western edge.

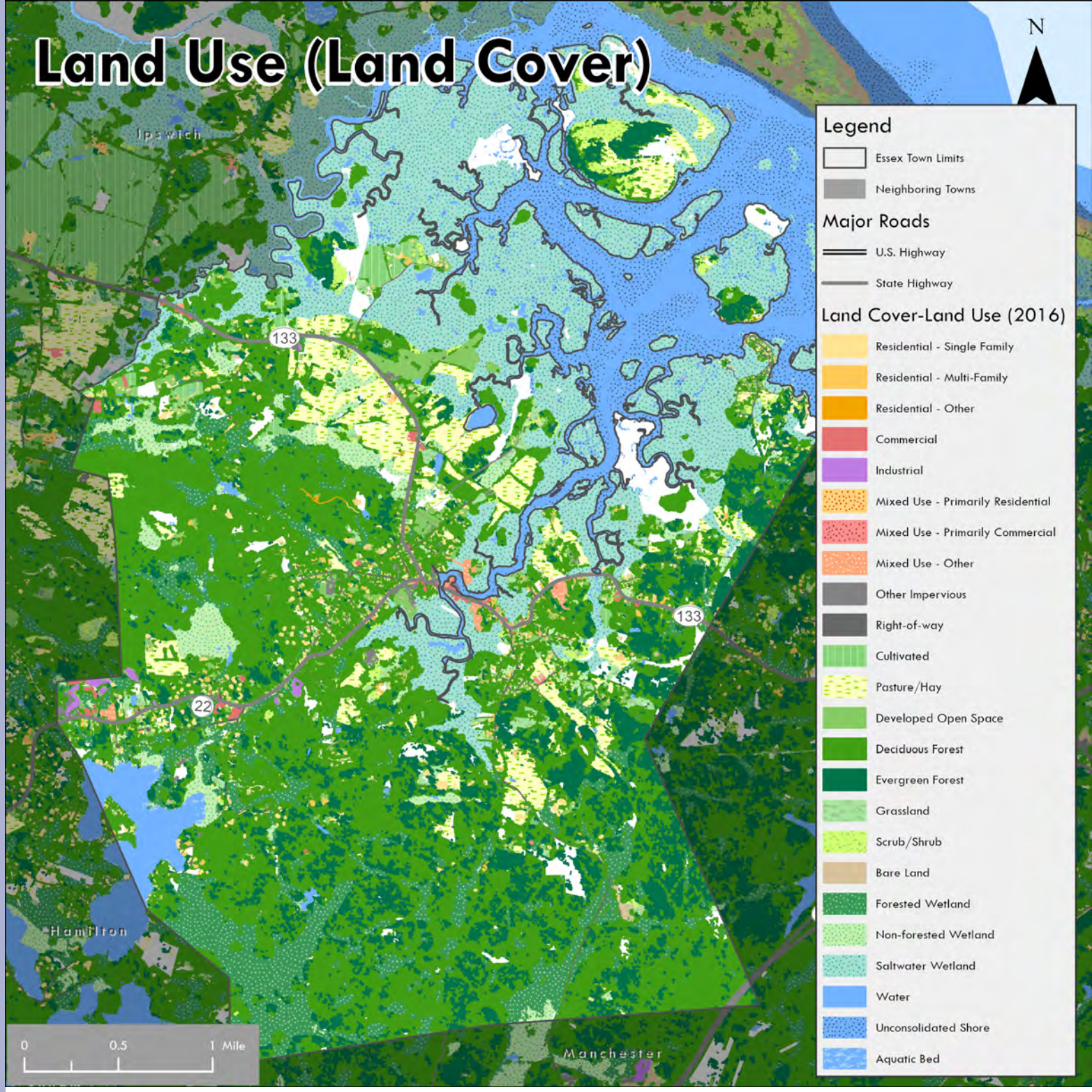
All of Essex's physical land constraints are shown in the land use map. The various forests, open space, wetlands, and pastures cover nearly the entire town. Knowing the underlying constraints and how they impact development tells those looking to develop in Essex that available land suitable for development is scarce, despite zoning allowing a wide array of land uses anywhere.



Photo by John Cruz.



Map 6: Elevation Contours, Essex MA



Map 7: Land Use (Land Cover), Essex MA

Multifamily Suitability

Developed by MAPC as an analysis tool for implementing zoning compliant with the MBTA Communities Act (3A), the Multifamily Suitability tool was designed to identify which parcels can support multifamily development at 15 units per acre or more (Map 8).

While not explicitly a guide for determining the appropriate locations of Affordable Housing, this dataset helps inform decisions about which parcels could support more multifamily units at a moderate density.

To build this dataset, MAPC's Data Services department processed parcel data in accordance with the regulatory requirements of the 3A and with additional geospatial data from the Executive Office of Housing and Livable Communities (EOHLC). The data from EOHLC reveals existing development constraints and undevelopable land, which significantly impacts the suitability score. For instance, a parcel that is half covered by wetlands would only have half of that parcel suitable for development.

There are important caveats to using this data for a housing production plan. The first is that it is designed to determine suitability at a density of 15 units per acre, which is not an HPP requirement. Another consideration is that any publicly owned land is not considered developable for 3A compliance purposes, and all public land will score low on this map, including land that already has Affordable Housing built there (such as the Housing Authority). Lastly, the analysis does not account for existing land use or other development constraints not required for compliance, leading to large parcels with difficult-to-develop marsh, farmland, and wetlands scoring high due to their size and lack of public ownership or conservation restrictions.

For these reasons, this dataset is considered a "guide" and a "place to start having conversations", rather than a definitive way of making a parcel determination.



Photo by John Cruz.

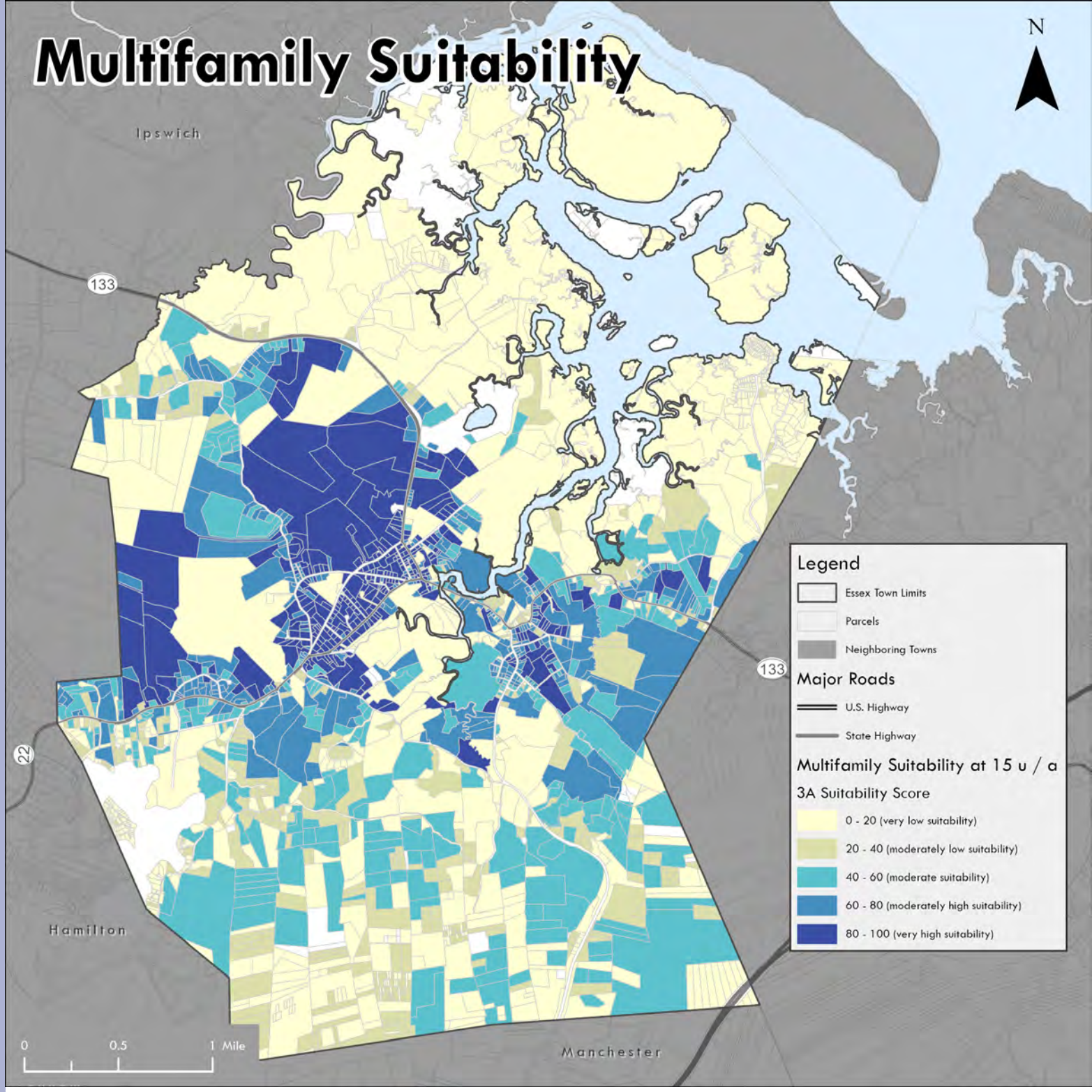
Protected Open Space

The Massachusetts Bureau of Geographic Information (MassGIS) collaborates with municipal tax assessors throughout the state to maintain geospatial databases of land use and parcels. One of these databases tracks open space, including both passive and active recreational areas.

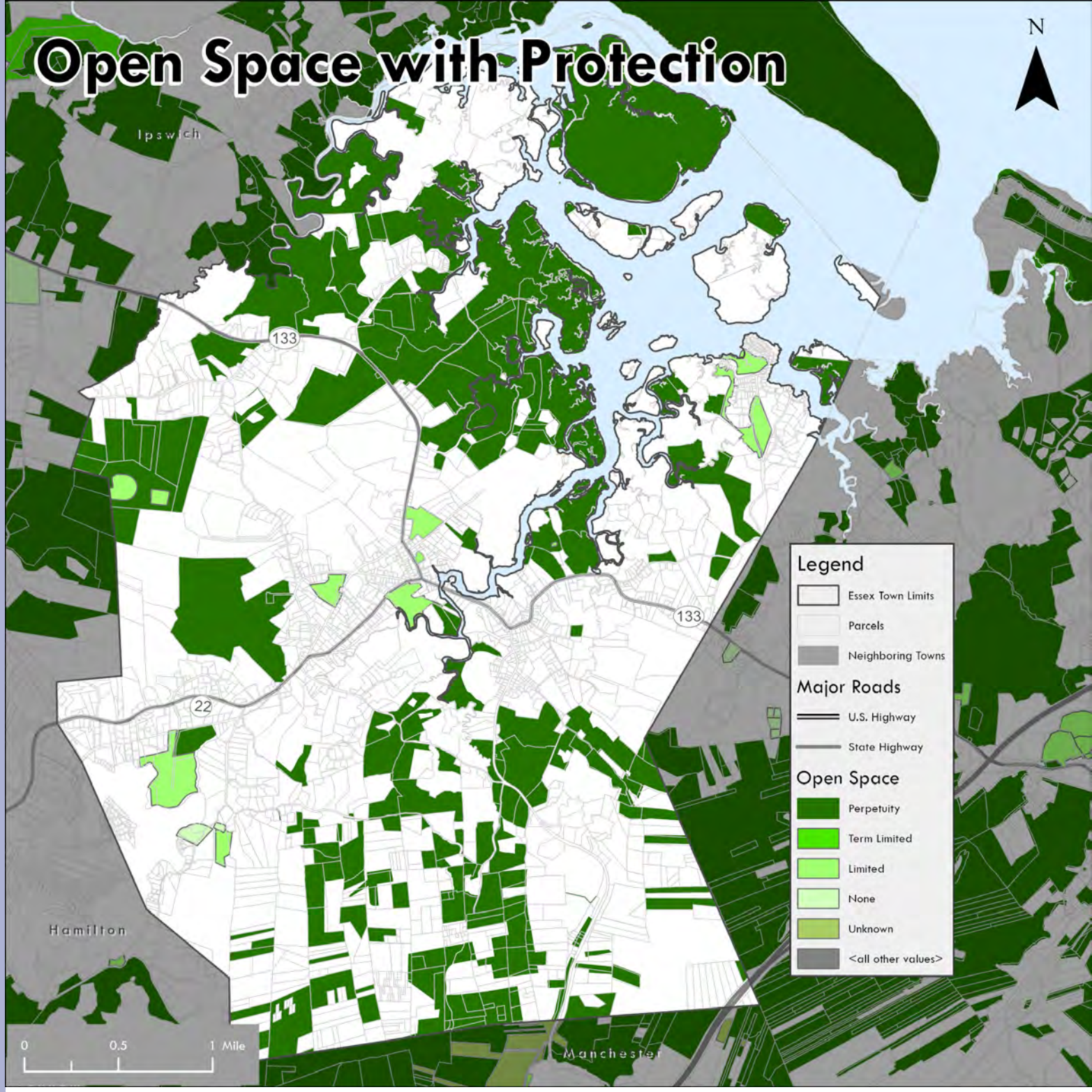
In addition to indicating which parcels are and are not open space, the dataset also displays the level of protection afforded to all open space parcels (Map 9).

- **In perpetuity or Permanent** – Land that is protected in perpetuity means that there is a permanent, legal restriction on the property that prevents it from being developed. This includes restrictions placed on the deed, a local ordinance or bylaw that preserves open space, or a state statute/designation that mandates the preservation of open space. It may be possible to remove this protection, but it is not common practice to do so, given the considerable time, expense, and political will required for such a change. For those reasons, these parcels should be considered undevelopable open space.

  Examples include public parks or land under a M.G.L Chapter 61B conservation restriction, such as land reservations. Golf courses and country clubs may have this level of protection.



Map 8: Multifamily Suitability, Essex MA



Map 9: Open Space with Protection, Essex MA

"Attractive small clustered housing in already developed areas with some walkability is preferred - destroying greenspace once and for all is a big short sighted mistake. Keep Essex green!"

- Direct quote from a resident submitted in the online survey.

- **Limited** – Parcels with limited protection have protection, often because an entity maintains the property and chooses to keep it as open space, even though there is no legal requirement to do so. They are limited in any way that does not include time. These should be thought of as "the land will remain open space as long as the principal use does not change". Sometimes, the principal land use can be "nothing", and the land is limited because it is challenging to develop, such as wetlands.

  Examples may include undeveloped areas adjacent to public schools and cemeteries (especially if the municipality does not own them).

- **Term Limited or Temporary** – is an open space that is limited by a deed or conservation restriction that includes time.

  An example would be a parcel of land donated by a patron, with a legal deed restriction stating that the land must be maintained as open, public recreation space for 100 years. In this instance, the land is only available for development once the time limit has been reached, unless additional measures are taken to ensure it remains open space in perpetuity.

- **None** – This open space has no level of protection and may be developed at any time. This land is at risk of being developed into non-open space in the future.

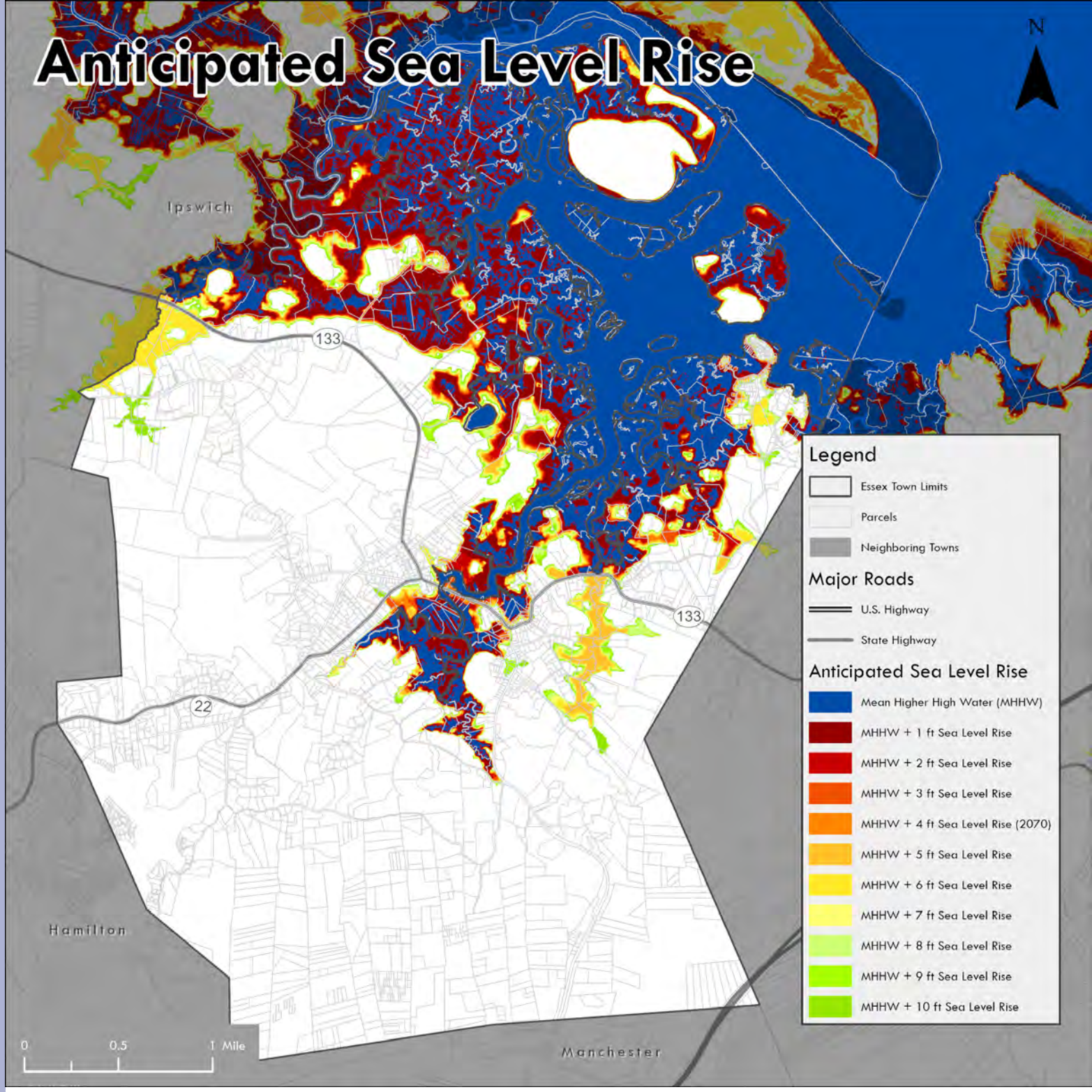
  Private campsites, golf courses, and country clubs often have no level of protection.

This HPP does not propose developing any permanently protected open space, parks, or playgrounds. Legal concerns, environmental sensitivities, and development challenges on open space mean that the development opportunities selection will focus on areas where development is possible without the need to lift conservation restrictions on a parcel. Other open space parcels with current active recreational use will also not be considered for development, even if no deed restriction is in place. MAPC will also review the open space inventory and compare it to selected housing opportunity sites.

Anticipated Sea Level Rise

The sea level rise dataset is provided by the National Oceanic and Atmospheric Administration (NOAA). It is the geospatial representation of a model based on climate change projections, showing how far the water coverage will extend compared to today's average water level, known as the "Mean Higher High Water" (MHHW). The MHHW is depicted as the ocean, with the most immediate challenges of sea level rise represented in dark red, and the least immediate challenges in light green. It essentially means, "when does NOAA think a certain area will be underwater?". An interactive version of this map, which covers all oceanic coastal areas of the United States, is available online at http://bit.ly/4lTgzdU

Areas that are likely to be underwater in the next 50 years will not be suitable for Affordable Housing development (Map 10). This data will be examined through a lens like the FEMA flood risk map: parcels should be avoided for housing sites unless a developable portion can support Affordable Housing.



Map 10: Anticipated Sea Level Rise, Essex MA

Soil Types and Unique Farmland

The Soil type and unique farmland map displays two layers: superficial geology and "farmland of unique importance" (Map 11).

The superficial geology data are developed and maintained by the U.S. Geological Survey. They are part of a comprehensive study aimed at understanding the geology and soils in a specified area within Massachusetts. MAPC categorizes the data into four types for mapping: Sand and Gravel, Till or Bedrock, Fine-Grained Deposit, and Floodplain Alluvium. This geological information helps guide discussions and inform policy decisions regarding flooding, the impacts of development, and potential development opportunities. It provides valuable insights into natural resources, hazards, and additional land information, and offers an idea of what development is possible.

In Massachusetts, a "Farmland of Local Importance" screening tool is used to determine which farmland is suitable for various purposes. It can map four different categories:

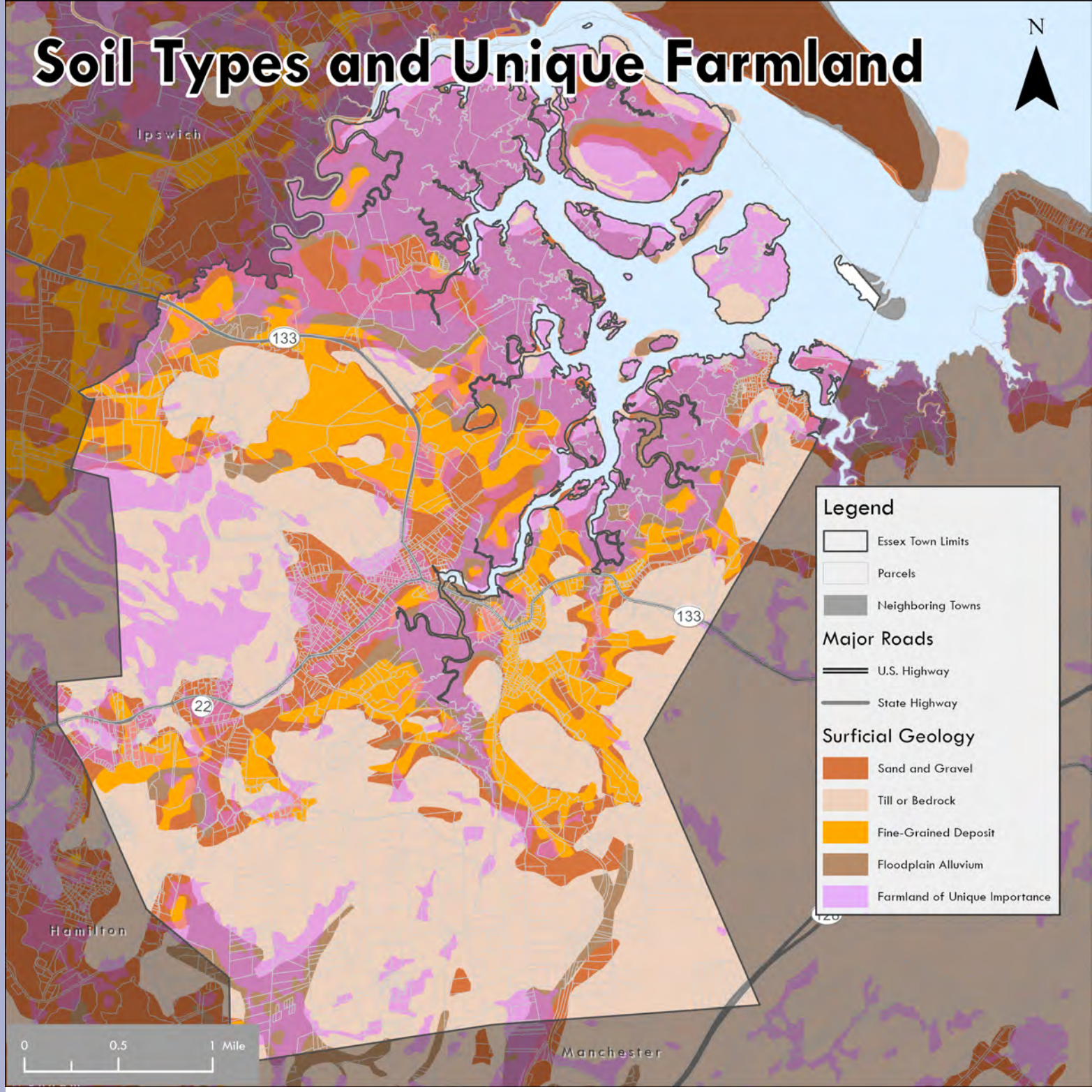
- Prime farmland – soils well suited for crop production as defined by national soil property and climatic criteria.
- Farmland of statewide importance – soils suited for crop production but lacking all the criteria required for prime farmland soils.
- Farmland of unique importance – soils other than prime farmland and farmland of statewide importance with characteristics distinctive to the production of a specific crop. In Massachusetts, the farmland of unique importance is the soil suited for cranberry production.
- Not prime farmland – soils that do not meet the criteria for prime farmland, farmland of statewide importance, or farmland of unique importance.

The Massachusetts Land Trust Coalition helps identify these types of farmlands so that they are eligible for conservation programs and funding from organizations such as the United States Department of Agriculture (USDA). The USDA's Natural Resources Conservation Service maintains this dataset nationally.

With limited water and sewer connectivity, development in Essex has largely occurred along Routes 22 and 133, primarily in areas with soft soil adjacent to existing water and sewer connections. This is the commercial hub of the town, and where many people live. It is challenging to develop high-density multifamily over soft soils, where the land will not support as much density as bedrock would (for instance, one of the reasons Manhattan, New York, can be so dense is that the island is comprised of types of Bedrock that can support very high density). Essex's unique landscape and soil challenges lend itself to the development of smaller multifamily and other "missing middle" housing types, in addition to single-family homes.

The soil, in combination with the various marshes and wetlands, makes the "farmland of unique importance, difficult to develop" since these areas are often open space and natural recreation areas with limited ability to allow for the processing and manufacturing that would allow the property to be used to harvest cranberries.

8 Source: https://farmlandinfo.org/wp-content/uploads/sites/2/2024/07/FLI-screening-tool-uses-restrictions-and-metadata.pdf



Map 11: Soil Types and Unique Farmland, Essex MA

Transportation Connectivity

Essex is a largely car-dependent community. Over 80% of commuters drive, 7% of commuters walk, and fewer than 10 people take public transportation[9]. This is represented in the transportation connectivity map, which shows roadways, public transit, and greenway connectivity throughout Essex (Map 12).

Essex's main roadway connectors are two state highway routes. Route 22 extends south to connect to Beverly, while Route 133 goes east-west, connecting Lowell with Gloucester. There are no interstate highways or other US highways in Essex. Southern Avenue, which connects Essex to Manchester-by-the-Sea via Yankee Division Highway, is another critical connector not labeled on the map.

Essex is an MBTA Community[10] that does not have direct MBTA service. The neighboring communities of Gloucester, Manchester-by-the-Sea, Hamilton, and Ipswich are all part of the MBTA Commuter Rail network and have direct service, with those lines traveling east and west of Essex.

Instead, the Cape Ann Transportation Authority provides bus service to Essex, connecting the town with Ipswich along the Number 12 "Ipswich / Essex Explorer" route and the Number 5 "West Gloucester / Essex" route, which goes into downtown Gloucester. Both lines stop in each town's respective downtown, a commuter rail station, and the Number 5 bus connects to water taxi service in Gloucester.

There is one branch of a regional greenway route that is prominent in Essex, the Essex Coast Greenway, which connects Ipswich to Gloucester. This greenway runs adjacent to Route 133 for much of its length in Essex, including downtown, and connects to other regional trails and walking paths. The Cape Ann Regional Walking Trail, which connects Beverly to Rockport, makes a brief appearance in the southern end of Essex.



Photo by John Cruz.

FEMA Flood Risk

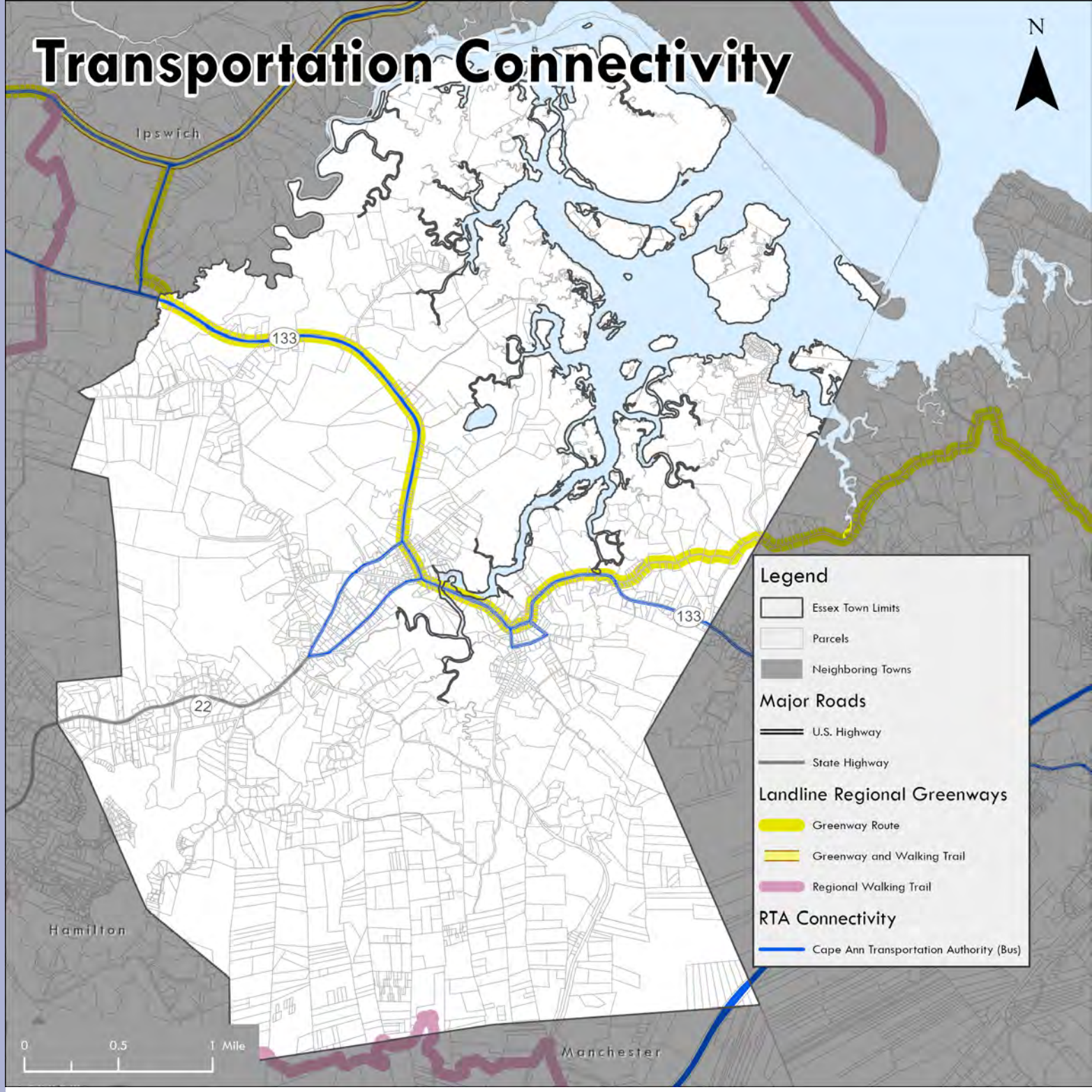
The Federal Emergency Management Agency (FEMA) produces a "Flood Rate Insurance Map" (FIRM) on panels that cover the entire United States. These map panels provide information to homeowners, developers, banks, and insurance companies to help determine the likelihood of flooding in an area, as the insurance risk is calculated (Map 13).

To determine this risk, FEMA's National Flood Hazard Layer dataset categorizes flood risk into seven distinct categories.

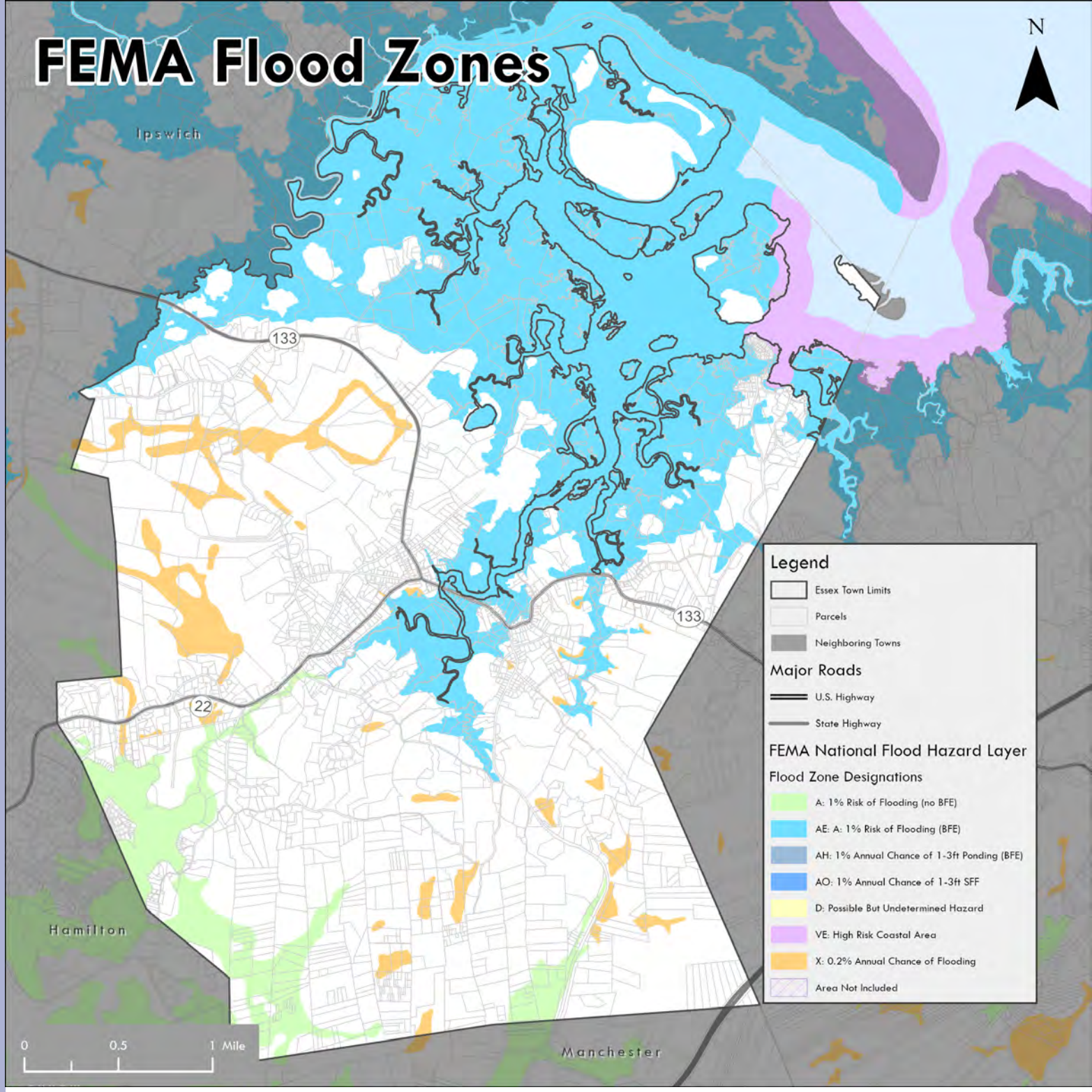
- **A zones:** 1% annual risk of flooding with no base flood elevation
- **AE zones:** 1% annual risk of flooding with base flood elevation
- **AH zones:** 1% annual chance of 1-3ft ponding with base flood elevation
- **AO zones:** 1% annual chance of 1-3ft sheet flow flooding, with depth
- **D zones:** Flooding here is possible, but the hazard is undetermined.
- **VE zones:** Coastal areas that have a very high risk for large waves.
- **X zones:** 0.2% annual chance of flooding.

These flood zones are a substantial development constraint. Development in any of these flood zones can be complex, considering the soil conditions and the presence of water. If development is physically possible, the risk of flooding makes it challenging for property

9 Source: American Community Survey, 2023 5-year estimates, table B08141
10 As defined in M.G.L. Chapter 161A Section 1.



Map 12: Transportation Connectivity, Essex MA



Map 13: FEMA Flood Zones, Essex MA

owners and insurance companies, who may quote the insurance at a very high rate or deny insurance on the property altogether.

Essex has a Flood Plain Overlay (Zoning) District to address challenges in areas likely to flood. The town recognizes FEMA's land risk determination, designating any land in zone A, AE, or VE on the FIRM maps as the boundaries for this overlay district. This is defined in section 6-3.4.2 of the town bylaws.

The bylaw outlines five development regulation requirements, which do not prohibit development entirely, but instead specify what developers must do in certain zones. These are noted in section 6-3.4.2.2.

Even though the bylaw does not prohibit development in the flood plain, housing sites will not be selected unless a developable portion of the parcel is not within the Flood Plain Overlay District.

Water and Sewer Infrastructure

Essex has limited public water and sewer connectivity (Map 14). Some properties have access to both water and sewer, while others have access to water only. The rest rely on wells and septic systems to manage on-site drinking water and wastewater.

This represents a substantial development constraint in and of itself and has created a

6-3.4.2.2: Development Regulations.

The following requirements apply in the Flood Plain District:

a) UN-NUMBERED ZONE A: Within any unnumbered Zone A, since the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered Zone A.

b) Within areas designated as coastal high hazard areas (Zone VE), all development shall be located landward of the reach of mean high tide, since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash.

c) Man-made alteration of sand dunes within Zone VE which would increase potential flooding damage are prohibited.

d) SUBDIVISIONS: All subdivision proposals must be designed to assure that
1. Such proposals minimize flood damage
2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

e) In Zone AE, along watercourses that have a regulatory floodway designated on the FIRM, encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the Town during the occurrence of the base flood discharge (i.e., one-hundred year flood). In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit such encroachments.

development landscape that does not lend itself well to multifamily development. Additionally, the sewer system is currently at capacity, creating a challenge for new construction.

The water and sewer infrastructure in Essex is often located in areas with soft soil, such as sand or gravel, rather than bedrock, as indicated on the Soils map on page 71. Only a small percentage of the existing water and sewer infrastructure has been deployed in bedrock areas.

Developers looking to build in Essex face the challenge of constructing on soft soil with lower density, and the possibility of being part of the sewer system or not having to dig through bedrock to install a well and septic tank. Alternatively, constructing on bedrock may be more suitable for higher-density development. However, it adds the challenge of building a septic system and well to support the development, which in turn limits density.

There is an opportunity here. The ability to expand municipal water and sewer systems can be achieved through state funding programs, such as MassWorks, which provide funding for infrastructure projects that directly support development. Projects considered for MassWorks funding have a greater chance of being funded if the infrastructure is necessary for the project to be completed and if the project includes an Affordable Housing component. The town should consider Affordable Housing project proposals and partnerships that can expand existing water and sewer infrastructure, regardless of what housing opportunity sites are selected. Meanwhile, the town should explore solutions to increase sewer capacity to allows for the addition of new housing units.

Zoning - Water Resource Protection Overlay District (WRPOD)

Essex's WRPOD was first established in 1990 and includes all parts of Essex that are within the drainage basins of either Chebacco Lake or Cedar Swamp (Map 15). It provides additional environmental protection to these environmentally sensitive areas.

This overlay district has a list of additional restrictions on land use and other activities, as defined in section 6-3.4.3.3. These restrictions broadly apply to commercial and industrial byproducts, the extraction of natural resources, and the storage of various types (automotive junkyards, gasoline tanks, dry cleaning, etc.). None of the restrictions explicitly apply to residential use.

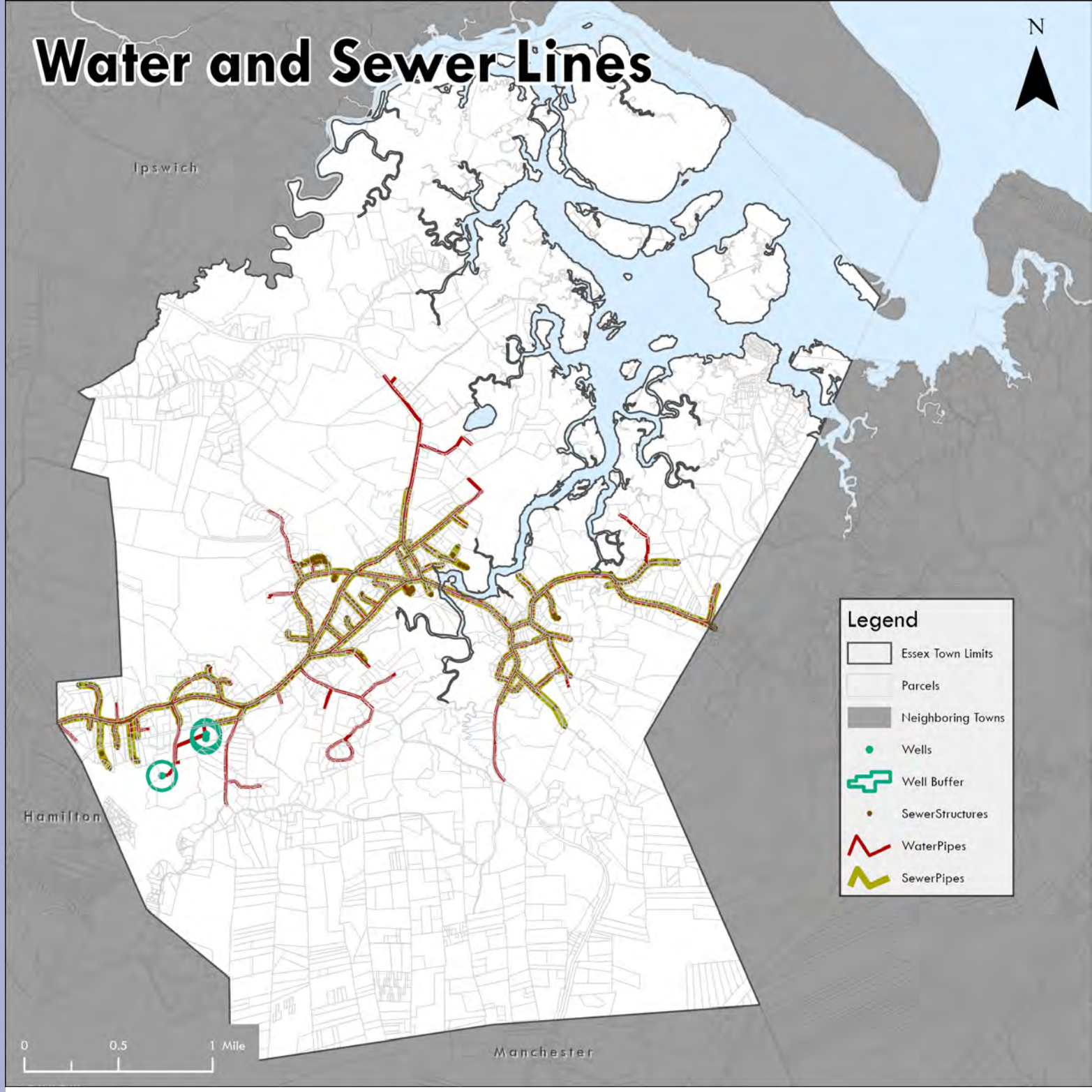
There are three additional regulations, outlined under section 6-3.4.3.3, which require a special permit and do impact residential land use. They are:

1. Except for single-family dwellings, onsite sewage disposal systems having an estimated sewage flow exceeding 60 gallons per day per 10,000 square feet lot area;

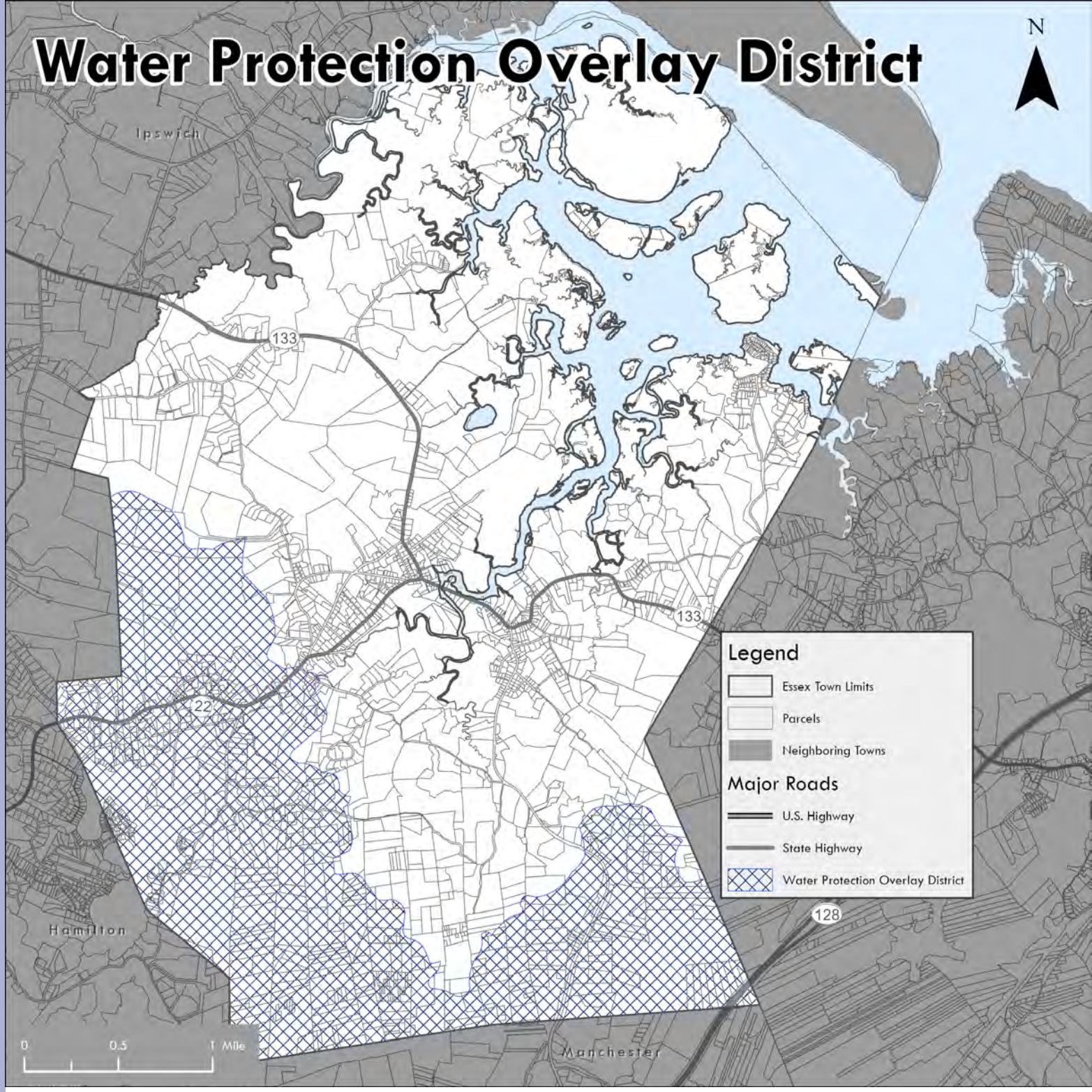
2. Regardless of lot size, any on-site sewage disposal having more than 15,000 gallons per day of sewage;

7. Rendering impervious more than 2500 square feet or fifteen percent of lot area (whichever is greater) will require a plan for recharging storm water runoff such that it will not degrade ground water quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

These regulatory restrictions are not inherently an impediment to Affordable Housing development, although they will be additional considerations for developers when deciding on building footprints and wastewater disposal options. Housing opportunity sites will be considered within this overlay district.



Map 14: Water and Sewer Lines, Essex MA



Map 15: Water Protection Overlay District, Essex MA



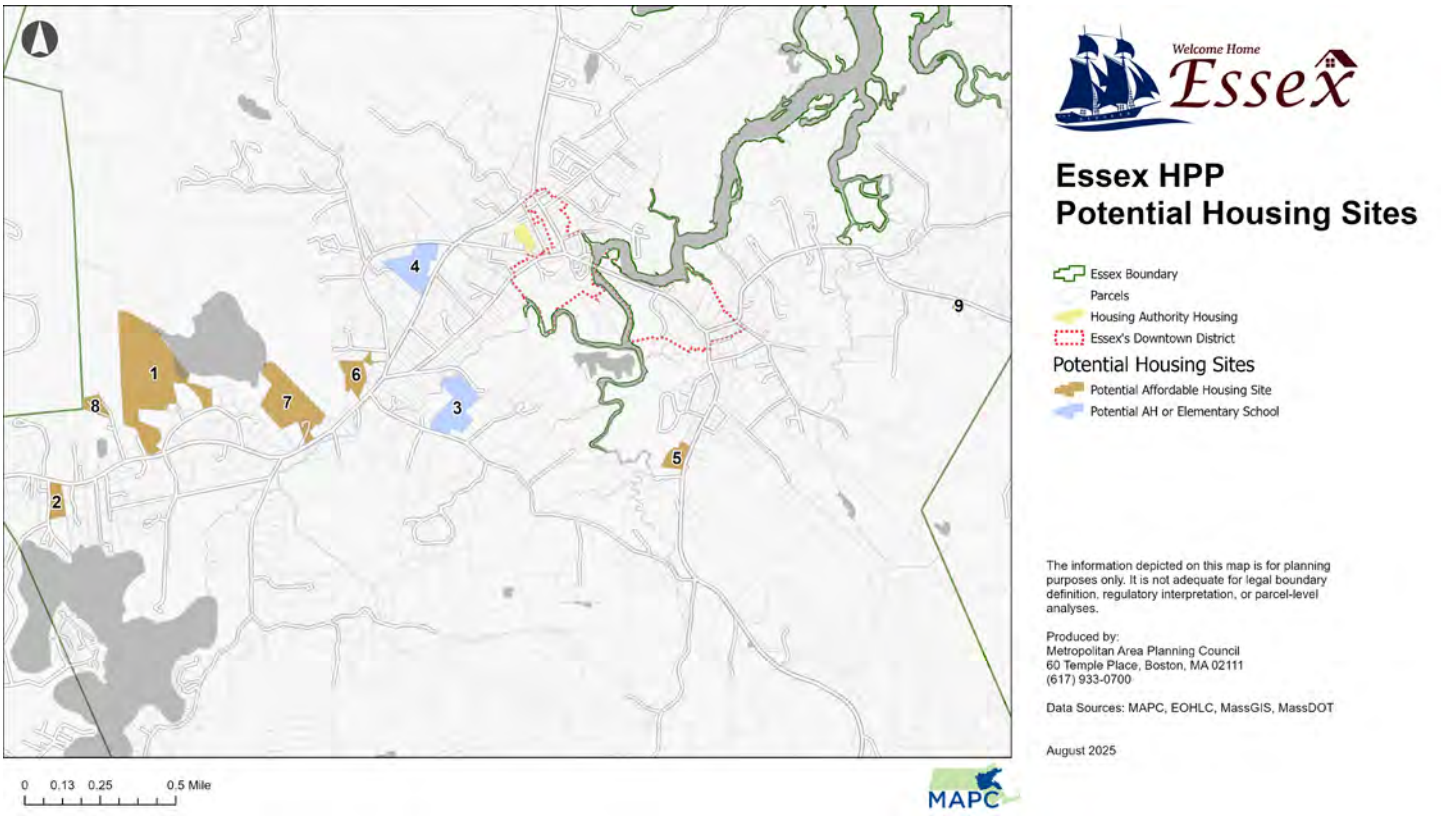
Development Opportunities

Development Opportunities

The Essex HPP outlines housing affordability strategies that will complement market-rate residential development in the town. The planning team undertook this development opportunities analysis to better understand the potential effects of private residential development and determine how best to align that development with the Town's affordable housing goals. It identifies potential residential development opportunities through a Geographic Information Systems (GIS) analysis, previous Essex policy recommendations related to growth management, and input from committee members, the town, and the public. The analysis focused on the areas of Essex with the most suitable locations for denser residential redevelopment, taking into account the numerous development constraints throughout the town.

The Development Constraints Chapter outlines the constraints on new housing development and redevelopment in Essex, as well as the Town's capacity to implement housing strategies. With a significant portion of Essex's land comprising open space, salt marshes, and other areas challenging to develop, development opportunities are limited by geographic factors alone. When the planning team analyzed the additional constraints, including those related to flooding and climate change, the appropriate locations and amount of available land for housing development came into focus (see page 47 where the constraints chapter starts). Through this process, the vast majority of Essex's land was removed from consideration for affordable housing.

The development opportunity analysis considered these constraints and identified nine opportunities to expand and diversify the housing stock, in addition to the existing Housing Authority property and the Essex Downtown District. Most of these opportunities would require redevelopment or turning one parcel into two. The town could encourage redevelopment on these sites using the 40B comprehensive permitting process and local



initiative program, or through zoning changes and other regulatory tools that facilitate the creation of a variety of naturally occurring and deed-restricted Affordable housing. Redevelopment on these sites is also subject to water and sewer access/capacity, as well as the other constraints identified in the Development Constraints chapter. The unique constraints of each development opportunity site, along with the appropriate housing types for each site, will also influence the determination of the best and most suitable permitting tool.

The town of Essex does not typically hold land suitable for residential development and has even sold delinquent properties at tax auction in recent history (these parcels were not suitable for multifamily development). The development opportunity sites are largely privately owned at the time of writing this housing production plan. Their inclusion does not imply that Essex will seek to acquire these properties by any means, but instead that should an opportunity to develop these sites arise, the town will be proactive in crafting solutions that will bring Affordable Housing to these sites. This process would involve collaborating with developers, private property owners, town staff, and other stakeholders.

Collaboration and Engagement Informs the Selection Process

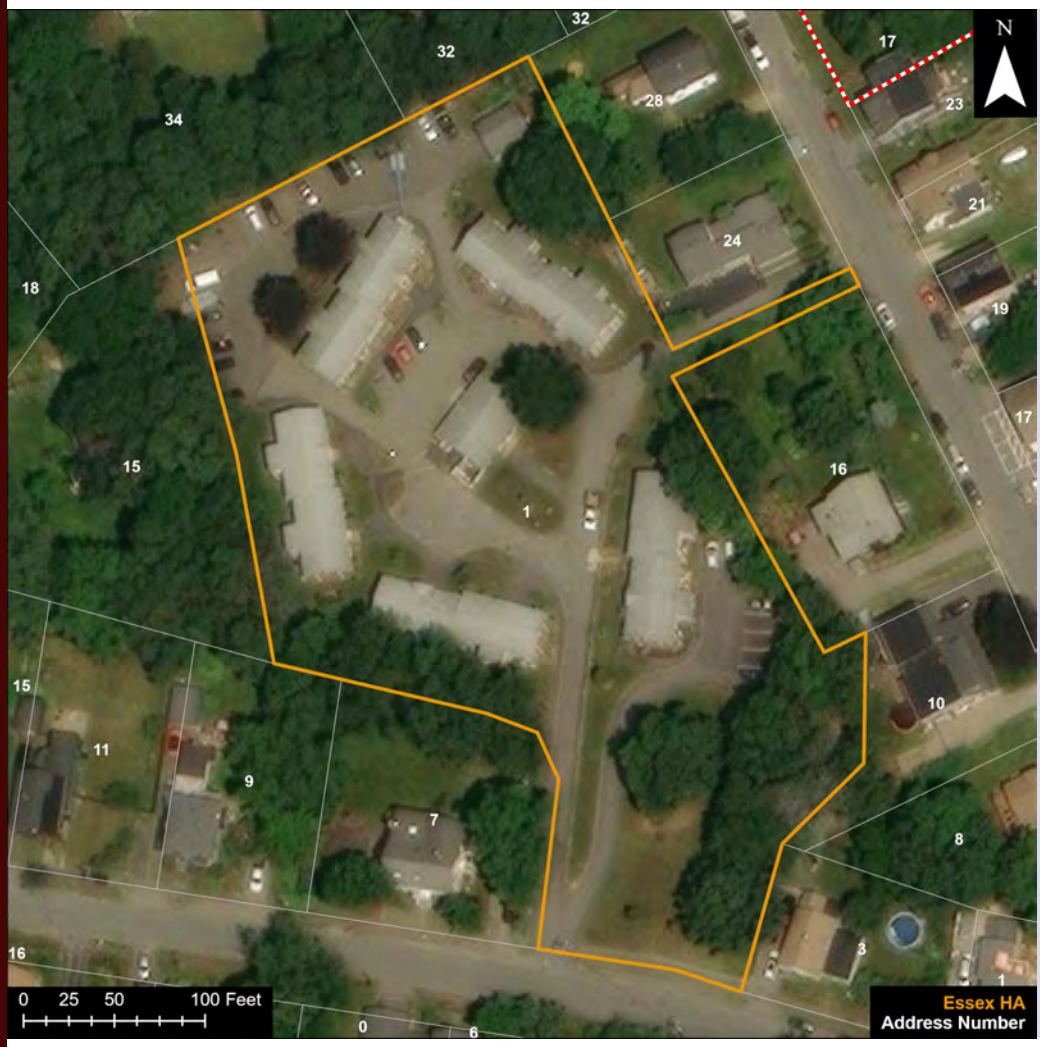
The development constraints are the biggest hurdle to development in Essex, and once those are accounted for and undevelopable sites are no longer considered, the picture of what is possible begins to become clearer. With the constraints and housing needs assessments completed, town staff collaborated with MAPC and the Affordable Housing Trust Committee to identify suitable sites, preferably with access to water and sewer, that could accommodate multifamily Affordable Housing.

The public was also asked to identify potential options in an online survey that was public during the Summer of 2025. The people taking the survey were informed about some of the potential Affordable Housing sites and asked if there were any additional sites they would like to consider. Those sites were analyzed by MAPC and later presented to the committee for approval and inclusion in this plan.

Opportunities for Residential Development

Each description notes if a site has connectivity to Water and Sewer. If a site does not have a connection to the sewer system, connection notes are noted only if the sewer stops at the parcel line. Otherwise, there are multiple parcels between the draft opportunity site and the end of the sewer line, and a more significant expansion would be required to connect the property to the sewer system. While this is possible and may be aided with funding through the state if an Affordable Housing project is developed there, for now, the working assumption should be that properties not connected or directly adjacent to sewer will need on-site wastewater management.

Housing Authority Site



Address: 1 Chebacco Terrace

Size: 2.38 acres

Current Use: Multifamily

Adjacent Uses: Single Family

Water / Sewer?: Yes

Multifamily Suitability: Excellent

Constraints: None

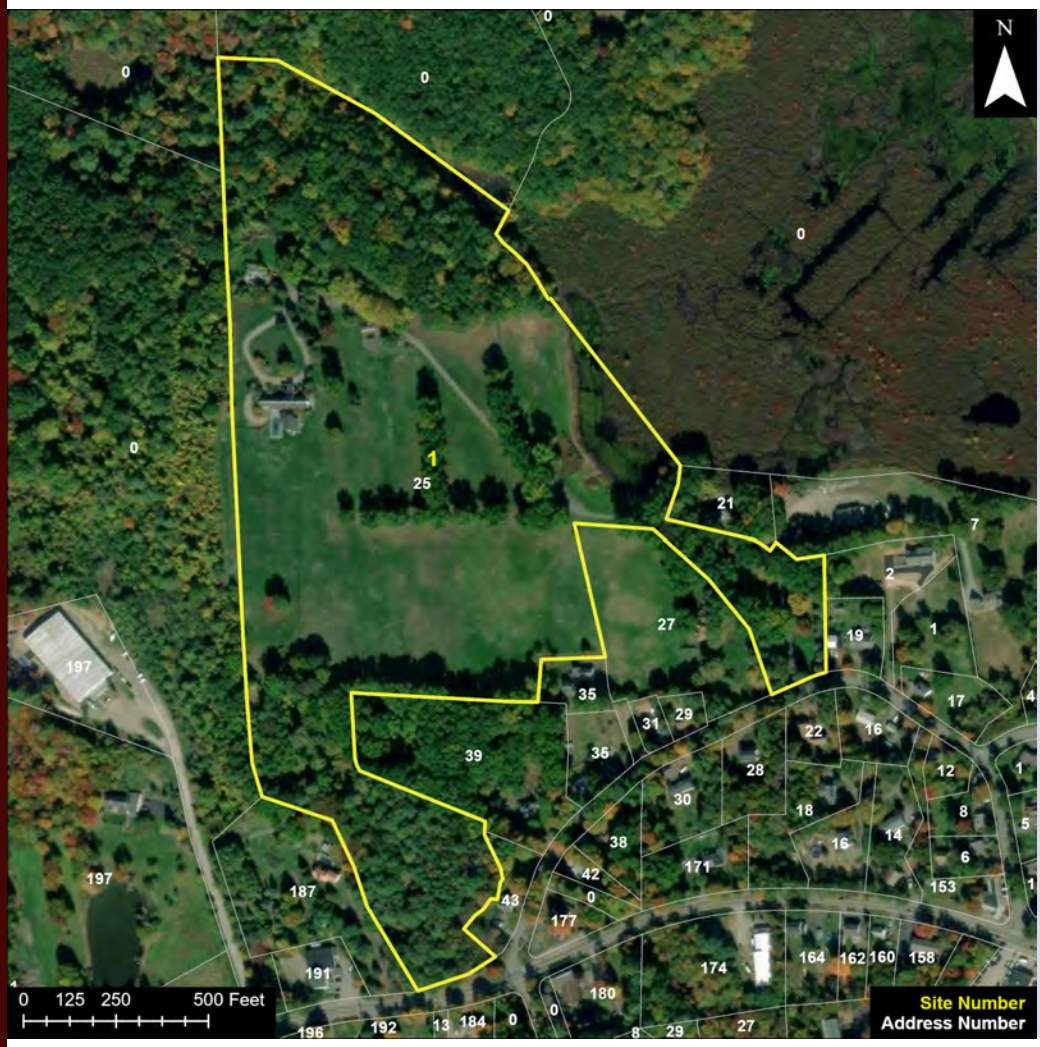
Ownership: Public

Description: This site is home to the Essex Housing Authority offices as well as five two-story buildings with 40 apartments for eligible elderly and handicapped persons. These homes are supported by state-funded programs and could be redeveloped to support additional housing. This property is located near Essex's Downtown District, the Council on Aging, the Library, and the Town Hall. This site was commonly identified by people who took the survey in summer 2025, with many respondents showing support for additional density on this site and more stories than are currently allowed by zoning.

"This property could easily accommodate an increase in height/units and not be disruptive to their neighbors."

- Direct quote from a resident submitted in the online survey.

Site Number 1



Address: 25 County Road

Size: 41.8 acres

Current Use: Single Family

Adjacent Uses: Single Family / Vacant

Water / Sewer?: Yes

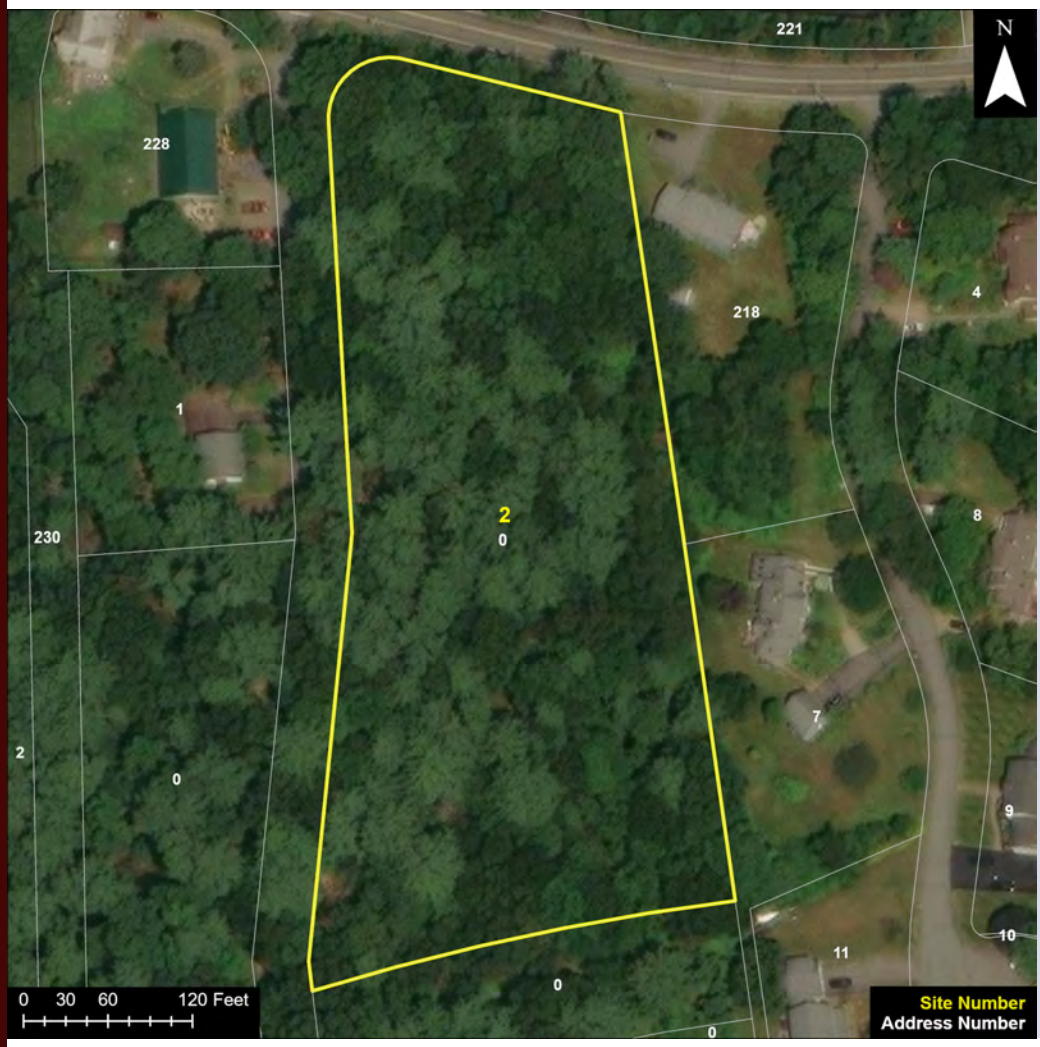
Multifamily Suitability: Excellent

Constraints: The northern portion of the parcel is critical natural landscape (trees north of the house and to the east).

Ownership: Private

Description: This site is a large parcel of more than 40 acres on the western side of Essex. It is currently home to a single-family home, giving the parcel a current density of 0.24 units per acre. The site has frontage on both County Road and Western Road, making it ideal to develop a portion of the site while preserving most of it, including the current structures and their existing use.

Site Number 2



Address: 0 Red Gate Road

Size: 3.4 acres

Current Use: Vacant

Adjacent Uses: Single Family / Vacant

Water / Sewer?: Yes

Multifamily Suitability: Moderately High

Constraints: A portion of the parcel is in a Wellhead Zone II overlay, it's about 6,800 sq ft in the southeast corner. This will not be an issue for development.

Ownership: Private

Description: This site is well-suited for residential development. The abutting land is residential, and it has access to water and sewer services. The property could be developed in a manner that allows some of the forested area to remain intact, without compromising the Wellhead Zone II overlay and without significantly altering the town's character. A single ingress/egress could keep most of the forestry along the roadway intact.

Site Number 3



Address: 30 Apple Street

Size: 11.5 acres

Current Use: Vacant

Adjacent Uses: Single Family / Transfer Station

Water / Sewer?: Yes, for water. Sewer would need connectivity. It ends at the northern tip of the parcel.

Multifamily Suitability: Excellent

Constraints:
1% Annual flood area in the northwest forested portion of the site. This will not be an issue for development. The site may be used for an elementary school in the future.

Ownership: Public

Description: This parcel has an unknown future. It is currently vacant, mostly cleared grass with a forested perimeter. The town acquired the property through Chapter 61 right of first refusal following the passing of a longtime property owner. It is possible to connect this site to the sewer system through the connection at the transfer station, although sewer capacity should be considered. The rear of the site borders the Essex town transfer station, which experiences a high volume of daily activity, considering the town does not have residential trash pickup.

Should residential development occur on this site, the town will have complete control over the development outcomes. Since the parcel is owned by the town, a development RFP can be issued that would allow the town to accept and approve development plans tailored to the specifications that the town's residents would like to see. An attractive option may be clustered development at a higher density currently allowed in the zoning bylaw (potentially via an overlay district on the property), which would preserve a significant portion of the parcel as public open space. Cottage cluster development of 1.5 stories, for example, could provide for additional Affordable or mixed-income housing in ways that will not create traffic problems on Apple Street. A development for people over 55 years of age may also be suitable, as Essex currently lacks any senior-only developments.

Site Number 4



Address: 12 Story Street

Size: 9.9 acres

Current Use: Elementary School

Adjacent Uses: Single Family

Water / Sewer?: Yes

Multifamily Suitability: Execellent

Constraints: Small freshwater pond in the southeast corner of the site, which will not impact development. The site may continue to be an elementary school in the future.

Ownership: Public

Description: At the time of writing this plan, the school will likely remain on this site for the foreseeable future. Should that fail to happen, the town should consider using this site for Affordable Housing. The site sites within a residential neighborhood and is surrounded by single-family homes. In addition to the primary use of the site, there are also athletic fields and a playground on this site.

At nearly 10 acres, the site would be suitable for various types of affordable housing. Like site number 3 at 30 Apple Street, because this is town-owned, any redevelopment could be heavily restricted via a development RFP, giving residents the opportunity to weigh in on what types of housing will best fit in with the neighborhood.

Site Number 5



Address: 89 Southern Avenue

Size: 3.3 acres

Current Use: Single Family

Adjacent Uses: Single Family / Vacant

Water / Sewer?: Yes

Multifamily Suitability: Execellent

Constraints:
There are marine wetlands that are located at the southwest corner of the parcel. This does not present an immediate challenge to development. Sea level rise is expected to begin impacting the parcel around the year 2070. However, even with a 10-foot rise, the impacts are anticipated to remain limited to the southwest corner.

Ownership: Private

Description: This heavily wooded parcel would make for an attractive development opportunity. Away from the downtown challenges of parking and traffic congestion, these 3.3 acres could (whole or in part) support low-rise multifamily Affordable Housing in a way that will not negatively impact the town's character or quality of life for residents. Development constraints are minimal, with limited restrictions due to the presence of wetlands along the roadway and existing water and sewer hookups.

Site Number 6



Address: 103 Western Avenue

Size: 5.6 acres

Current Use: Single Family

Adjacent Uses: Single Family / Vacant

Water / Sewer?: Yes

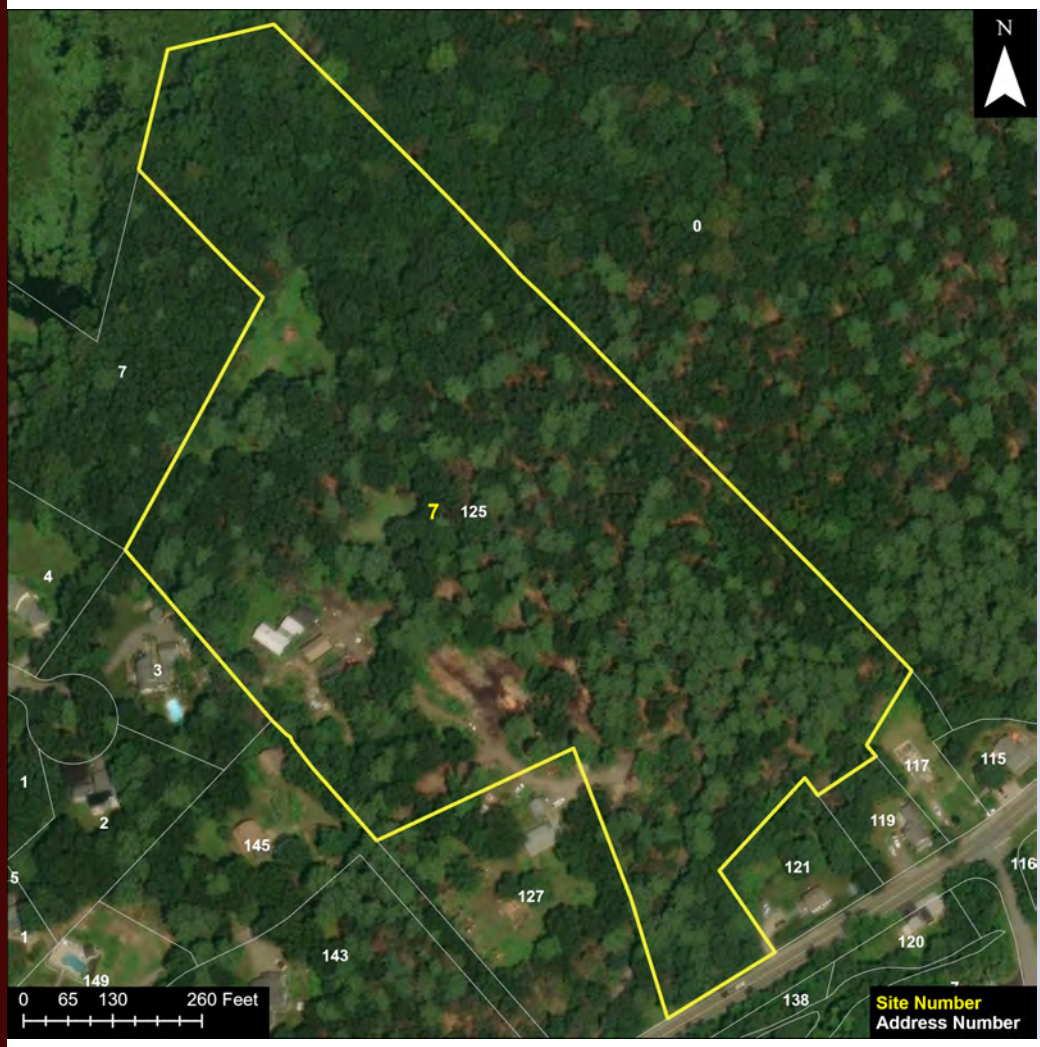
Multifamily Suitability: Execellent

Constraints: Parcel shape may lead to development challenges.

Ownership: Private

Description: This site is home to a single-family home and is primarily wooded. The two road frontages on Western Ave could provide an opportunity for the parcel to be split, leaving the home intact while allowing the rest of the parcel to be developed for Affordable Housing. The shape of the parcel has inherent challenges that could be addressed in site-plan design or additional parcel acquisition.

Site Number 7



Address: 125 Western Avenue

Size: 17.69 acres

Current Use: Lumberyard

Adjacent Uses: Single Family / Vacant

Water / Sewer?: Yes

Multifamily Suitability: Execellent

Constraints:
In the northwest portion of the parcel (the "point"), a wetland is located in a FEMA X zone with a 0.2% annual flood probability. That area is also part of critical natural landscape and a protected species habitat.

Ownership: Private

Description: This site is the location of the Markham Tree Service sawmill. Development constraints exist, but they are not severe enough to render development impossible, as the site is approximately 18 acres in size. With water and sewer connectivity, the site can support various development types that would have minimal impact on neighboring properties.

Development possibilities should only be explored if Markham Tree Service decides to relocate away from this parcel.

Note: The address descriptions for all sites come from the Town of Essex's Tax Assessor's Parcel Database, which identifies this property as 125 Western Avenue. Other real-estate sources identify 125 Western Avenue as the single-family home located at 121 Western Avenue, and Markham Tree Service advertises their address as 127 Western Avenue.

Site Number 8



Address: 197 Western Avenue

Size: 2.8 acres

Current Use: Factory

Adjacent Uses: Residential, Commercial, Vacant Land

Water / Sewer?: Yes

Multifamily Suitability: Execellent

Constraints: The property line does not extend to the street, and the access road is part of an adjacent property.

Ownership: Private

Description: This is the former site of Atlantic Industrial Models, who relocated to 7 Essex Park Road. The parcel, which borders the western border of Essex, has a long driveway that connects it to Western Avenue.

Development here would not adversely affect neighbors or their quality of life and could support higher-density development than would typically be available in Essex's Zoning Bylaw (within the constraints of water and sewer access). Since this parcel is so far away from the right-of-way, changes to the site would not negatively impact town character.

Site Number 9



Address: 139 Eastern Avenue

Size: 0.8 acres

Current Use: Single Family

Adjacent Uses: Single Family, Restaurant, Warehouse

Water / Sewer?: Yes

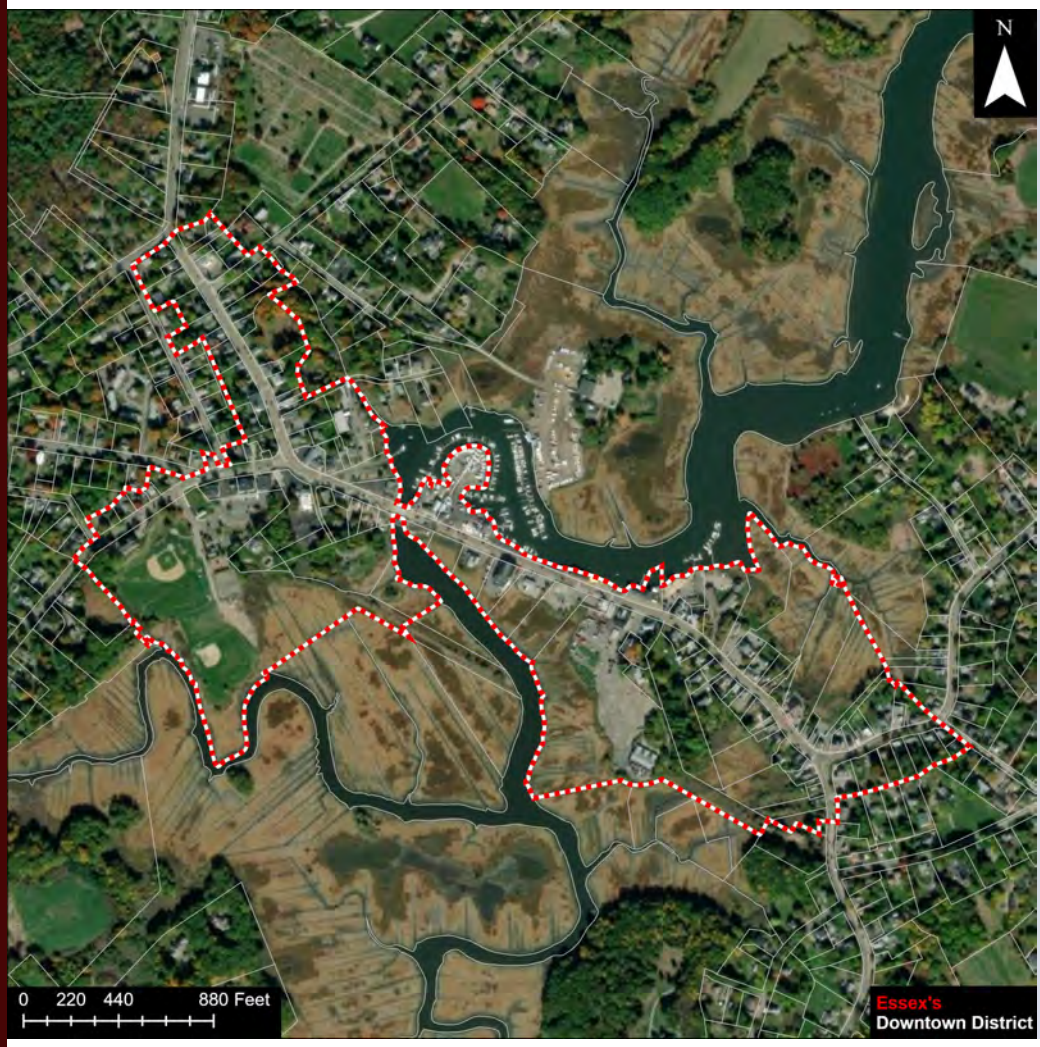
Multifamily Suitability: Moderate

Constraints: Parcel Size

Ownership: Private

Description: This parcel is less than an acre in size and is surrounded by different types of land use. The parcel is suitable for a small, affordable development of fewer than five units. This will likely be difficult for for-profit developers to build either an entirely Affordable development or a mixed-income development, and the Town of Essex would almost certainly need to partner with a non-profit Affordable Housing developer to develop this site. The site should not be heavily pursued, but instead the town should explore acquisition options should the property owner decide to sell.

Downtown District



Address: Downtown Essex

Size: 90 acres

Current Use: Residential and Commercial

Adjacent Uses: Residential, Commercial, Vacant Land

Water / Sewer?: Yes

Multifamily Suitability: Varies

Constraints: Lot Sizes, substantial flood risk near the bridge. Not all parcels are suitable for development.

Ownership: Varied

Description: Essex' downtown district currently allows for 6 units per parcel by right without needing to request a special permit. This gives the option to support small multi-family developments with an affordable component should the opportunity arise for the town to undertake a more active role in their redevelopment.

Many of the parcels in the downtown district will not be suitable for development. This includes open space and recreation areas such as Memorial Park and the town landing, but also many parcels near the bridge that are within the floodplain and will not support housing development. Options should be decided on a parcel-by-parcel basis, based on the individual constraints and development options available on that parcel.

At the time of writing this plan, the Downtown District has been submitted to EOHLC has Essex's 3A compliant district. Essex is awaiting the approval letter and is in interim compliance.



Housing Goals and Strategies

Housing Goals and Strategies

The purpose of this plan is to support the people of Essex. Data gathered during the housing needs assessment indicate that, in general, Essex residents struggle to afford housing. 37% of households in Essex are cost-burdened, meaning they spend more than 1/3 of their income on their housing costs. A household income of $74k is needed to afford the median rent in Essex, yet 29% of current households in Essex cannot afford it. A household income of $200k is needed to afford a conventional mortgage in Essex, which 70% of current Essex households cannot afford. Not only is Essex expensive for current residents, but housing costs also pose a potential barrier for those who wish to move to or return to the area, such as young adults and families who grew up there. Diversifying Essex's housing options would help to better serve the community, and make Essex a welcoming place for all to live.

Being a coastal town with extensive wetlands and soft soil, Essex faces many constraints that limit where housing can be developed. Limited sewer capacity is another obstacle for new housing development. The recommendations in this chapter address both the community's housing needs and the challenge of meeting them within the land's physical constraints.



Photo by John Cruz.

Housing Plan Goal and Strategies Overviews

Goals for this plan can be thought of as pathways that help lead Essex towards closing the housing needs gap. The goals serve as the guiding principles for all the recommendations in this plan, including the recommended strategies (Page 102) and housing development opportunities (Page 80). These are both grounded in values and designed to yield practical solutions. In addition to providing a framework for plan recommendations, they should guide future decisions and actions related to housing. For this reason, the housing plan goals are broad.

Considering a hierarchical structure, goals are positioned above the recommended strategies described later in this chapter. The strategies work to advance the goals. Strategies are targeted and may be based on housing needs. Feedback from both the Advisory Committee and the public, gathered through an online survey, informed which goals and strategies were feasible for implementation and ranked as a top priority within the timeframe of this 5-year plan. This plan provides guidance and actionable next steps for the Town to implement the strategies.

Housing Plan Goals:

Goal 1: Expand Housing options for small-scale housing development

Goal 2: Establish Zoning and Incentives that Support Affordable Housing Production

Goal 3: Target Housing Development in Essex Downtown

Goal 4: Continue to Fund and Expand the Affordable Housing Trust

Goal 5: Preserve all Existing and Future Units on the SHI

Goal 1: Expand Housing options for small-scale housing development

Essex's current housing stock could be improved to better meet residents' needs. It is essential to expand the range of home types and sizes available in Essex to offer housing options that cater to residents' diverse housing needs. This is especially important to serve the large number of families who live in Essex, those who wish to return, and those who wish to stay in Essex for the remainder of their lives. The production of small and medium-sized homes is particularly beneficial, as they are desirable for both young people seeking affordable places to rent or buy and for seniors who want to downsize themselves to a home that is more manageable and has lower utility bills. Smaller housing options are also more likely to be naturally affordable, making them accessible to moderate-income households of all kinds.

Engagement with the Essex community revealed strong support for expanding small-scale housing options in the town. Expanding small-scale housing was ranked as the highest priority for residents who took the Housing Production Plan survey. The survey also revealed broad support for the implementation of ADUs as a small-scale housing option and support for town-wide zoning reform.



Image by Opticos Design, Inc.

Currently, single-family homes make up 68% of Essex's housing stock. Almost all building permits issued in Essex since 2015 have been for single-family homes. Essex could benefit from introducing a range of small and mid-size housing options such as accessory dwelling units (ADUs), tiny homes, duplexes, triplexes, mixed-use housing, townhouses, and Cottage houses. Essex can stimulate the expansion of small and middle housing options through favorable zoning policies and complementary regulations. Some examples include updating the town's ADU bylaw to comply with state regulations, reducing the minimum lot size in residential zoning districts, or making duplexes legal by-right across the jurisdiction. Additional information on Essex's zoning is available in the Development Constraints chapter on page 48.

Like much of the country, Essex has a "missing middle" housing challenge. Many of the homes constructed are built through the development lens of getting the "most value" out of a land parcel for people investing in a development project. As a result, we see two prevalent types of development in the US: very large single-family homes and small apartments designed to fit as many as possible into a development. It is unrealistic to assume that all households will be a good fit for either of these two types of developments.

Reframing how we think about the types of homes people can live in allows us to explore more options that better meet people's needs. Single-family homes do not have to mean large lots. Multi-family homes do not have to mean small apartments stacked on top of each other. The "missing middle" includes housing types that fit in well with Essex's character. A home with 4 units. A "cottage court" style development with small homes near each other and shared amenities. Varying types of duplexes. These are all additional home types that could help people find a place to live that is right-sized for their household.



Photo by John Cruz.

Goal 2: Establish Zoning and Incentives that Support Affordable Housing Production

Essex's housing needs assessment revealed multiple gaps in affordable housing availability within the town.

A lack of diversity in housing types and a low rate of housing production over the years have contributed to a shortage of housing supply, particularly affordable housing (deed-restricted or market-rate). Developing new housing units at every income level is a goal of the town; in particular, Essex aims to see deed-restricted, affordable units developed. Given development constraints and the high cost of affordable housing construction, this development can be challenging.

Historically, Essex has had minimal land-use regulations regarding what can go where. Nearly all municipalities in the United States have taken a different approach, restricting land use by location. Largely, Essex's natural development constraints have limited what type of development occurs in the town, and what has been built to date is the result of that, in combination with the existing regulations. Even a light-handed approach to zoning means there are regulations that directly affect how anything is built. Minimum lot sizes still need to be met, as do setbacks and height restrictions.

In recent years, there have been some changes to Essex's zoning ordinance. However, the town's zoning districts have not changed and there is still a greater need for zoning reform beyond reorganizing the bylaw. Essex's approach to zoning regulation is still a form of regulation. Additional information on Essex's zoning can be found in the Appendix of this plan.

These regulations do not include incentives to encourage the market to build homes that people can afford. With large, challenging lots, the market hasn't been building much in Essex at all. However, regulatory tools can help alleviate some financial pressure on affordable housing development and incentivize it. This could include density bonuses, starter home zoning districts, property tax exemptions, or aging-in-place programs.

The town should work with the state to utilize available affordable housing programs, funding sources, and any financial assistance, including for ADUs, as they become available. The town should also partner with local housing developers, such as the Essex Housing Authority, non-profit housing developers, and advocacy groups, to identify and implement affordable housing production strategies.

Goal 3: Target Housing Development in Essex Downtown

Essex's downtown was identified throughout the housing production plan process as an area of opportunity for additional housing development, specifically multi-family housing. There is interest in increasing residential density around the Essex Downtown District to add more housing units while supporting the district's businesses. This could look like more mixed-use development. Already, there are a few examples of ground-floor storefronts with additional housing above or behind. Allowing greater resident density in the downtown district can lead to a more active downtown, creating more opportunities for local businesses to thrive.

In many ways, Essex's downtown is the most appropriate place to add density. Lot sizes are much smaller than the rest of the town's, with a minimum of 10,000 square feet. There is a much stronger historic village feel, which is a big part of what gives Essex its traditional New England charm that residents deeply cherish. Building and development standards, many of which already exist in Essex's bylaws, can prevent new development from looking and feeling out of place —a chief concern for many residents of any type of new development in their communities. Focusing development in the downtown also relieves pressure on other areas of town, and sends a signal to developers that people want to see change happen slowly, if at all, in Essex.

As of the writing of this plan, Essex has made modifications to its downtown district to comply with the MBTA Communities Act. Compliance required changing the number of units on a parcel built by right from four to six. It would also allow the development of any parcel, regardless of size. Encouraging additional housing development in this district is a great way to capitalize on the momentum from 3A to add small-scale multi-family housing, in particular. These regulatory changes were approved at Fall Town Meeting, 2025.



Photo by John Cruz.

Goal 4: Continue to Fund and Expand the Affordable Housing Trust

While the local implementation of the Community Preservation Act is not new, the Affordable Housing Trust is. This trust, established in 2022, is tasked with making housing in Essex more affordable for people who live here and want to live here. The Affordable Housing Trust Committee is the volunteer group that serves as the steward of the Trust, its actions, and its finances.

The Trust is primarily funded by the local implementation of the Community Preservation Act. This Act, with enabling legislation at the state level, gives communities the option to implement it locally and allows the Affordable Housing Trust Committee to evaluate the existing CPA funds allocated to the Trust and examine ways to increase funding for housing development. Communities that enact CPA locally must allocate at least 10% of their annual budget to housing-related expenses. This could be direct, such as funding improvements to the Housing Authority property on Chebacco Terrace, or indirect, such as putting that money in the hands of the Affordable Housing Trust.

The local enabling bylaw for the Trust restricts how the funds can be spent, and those restrictions are essentially limited to expenses related to running the Trust and housing-related activities.

To date, the Trust has been funded through local CPA implementation, either in lump sums or as part of the annual 10% allocation. Given the expense of housing and construction, for the Trust to normalize itself as part of the solution in Essex, additional funding beyond the annual 10% allocation will be needed. To learn more about how the Trust has been funded, refer to the housing toolkit section of this plan on page 48.

Funding the Trust can come in many ways. Direct donations through coordinated fundraising campaigns, permit fees collected by town hall, a commitment from the CPA to annually increase funding beyond 10% annually, larger and more frequent funds transfer from the CPA to the Trust, and exploring ways other currently funded CPA activities can be funded to allow for more of the CPA budget can go towards Affordable Housing. Additionally, the Affordable Housing Trust Committee should explore additional funding options, such as developer incentives, inclusionary zoning, and “fee-in-lieu” regulations. With this additional funding, the Trust could explore subsidizing more affordable housing in Essex, such as financing first-time homebuyer programs and buy-downs for affordable rental units. The Trust also has the power to issue grants to Essex residents and could fundraise specifically around a restricted grant fund. With additional support funds for the Trust, the town may be able to consider de-emphasizing property taxes to fund housing, alleviating the tax burden on other homeowners.

Goal 5: Preserve all Existing and Future Units on the SHI

Essex currently has 40 affordable housing units listed on the State Housing Inventory (SHI), accounting for only 2.58% of the town's total housing units. All these units are housing authority units for elderly and disabled persons located at Chebacco Terrace. Essex residents are very interested in preserving these units as affordable housing and ensuring that they do not fall off the SHI list. The town should collaborate with the local housing authority to ensure the continued maintenance and affordability of these units, such as leveraging state and federal funding for public housing. Local funding, such as CPA funds, can also contribute to the maintence and expansion of public and affordable housing. Additionally, the town can help facilitate collaboration between nonprofit developers in the region and the public housing authority to explore public-private development solutions.

Additionally, through the implementation of this housing production plan, the town should work to expand the number of units listed on the SHI and to preserve those units once created. This could involve securing state-level funding for public housing and offering regulatory incentives to prevent affordable units from being converted into short-term rentals or market-rate units.



Photo by John Cruz.

11 A "fee-in-lieu" allows developers to reach Affordable Housing requirements through a donation to the Affordable Housing Trust in lieu of developing affordable units as part of their development.

Affordable Housing Production Goals

To achieve "safe harbor" from hostile 40B development, a Massachusetts municipality must have either 10% of its year-round housing as deed-restricted Affordable on the SHI or reach a General Land Area Minimum (GLAM) with Affordable Housing meeting at least 1.5% of the developable land area. A community can also achieve a "temporary safe harbor" through the annual production of Affordable units.

Safe Harbor will be difficult for Essex to achieve. Doing so via GLAM is unrealistic, as Essex would need to add 62 acres of land devoted to Affordable Housing to achieve safe harbor through this method. Increasing the number of Affordable homes is the only feasible, realistic option, but it still faces the financial challenges and physical development constraints that have historically limited development in Essex.

To achieve safe harbor through Affordable Housing production, Essex will need to build an additional 115 Affordable Housing units to reach the state-mandated target of 155, which is 10% of the town's 1,549 year-round housing units. Temporary safe harbor can be granted by adding 0.5% of the town's year-round housing inventory to the SHI. That number equates to eight Affordable units being developed each year. If Essex can reach this target, then more housing options can be provided for people and families. The following table outlines Affordable Housing production goals for the town of Essex for the next five years.

Through this method, Essex can achieve temporary safe harbor without reaching 10% on the SHI. Safe harbor typically lasts for one year.

SHI percentages are based on the number of full-time housing units in a municipality, as calculated in the United States Decennial Census every 10 years. While there may be additional development in Essex, Affordable or not, the number of new year-round housing units will not be adjusted until the Census Bureau releases 2030 Census Data, likely in 2032.

Year	# of new Affordable Homes	Total # of Affordable Homes	SHI %
2025	0	40	2.58%
2026	8	48	3.08%
2027	8	56	3.58%
2028	8	64	4.08%
2029	8	72	4.58%
2030	8	80	5.08%

Strategy Matrix

The strategies listed below are all achievable within the five-year lifespan of this plan. However, it is not the expectation that they will all be completed within five years. Essex has a wide variety of housing need, and a wide range of strategies could help accomplish the five goals outlined in this plan. Many strategies can help accomplish more than a single goal; for this reason, the strategies are not listed by goal or otherwise categorized. To see which strategies can help accomplish which goals, refer to the strategy implementation matrix table.

Goal 1: Expand Housing options for small-scale housing development

Goal 2: Establish Zoning and Incentives that Support Affordable Housing Production

Goal 3: Target Housing Development in Essex Downtown

Goal 4: Continue to Fund and Expand the Affordable Housing Trust

Goal 5: Preserve all Existing and Future Units on the SHI

Strategy	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5
Strategy 1: Pursue a 40R Smart Growth or 40Y starter home zoning overlay district A 40R Smart Growth Overlay District can provide substantial financial benefits to the municipality, including incentive zoning and bonus payments, while increasing residential density. A 40S Starter Home Overlay District allows municipalities to receive incentives and technical assistance to create a district that enables the development of smaller, more affordable starter homes. This strategy would support Essex in creating additional small-scale housing options, adopting zoning reforms to support affordable housing, and enabling additional housing opportunities in downtown Essex.	✓	✓	✓		
Strategy 2: Support local Affordable Housing organizations through strategic planning and coordination There are existing nonprofits and regional organizations in and around Essex with the capacity to address affordable housing and development issues, and the Town should support their work and collaborate with them when opportunities arise. These relationships should be considered during strategic planning processes. Supporting local affordable housing organizations could include continued funding for the town's Affordable Housing Trust and aid in preserving affordable housing units on the State Housing Inventory (SHI).				✓	✓

Strategy					
Strategy 3: Use publicly owned land for Affordable Housing and Open Space The Town should consider whether any of its own parcels are suitable for development, such as either affordable housing or public open space. Using publicly owned land can make the development process easier and more affordable. These town sites could be used to develop small-scale housing.	✓				
Strategy 4: Promote State Housing Programs Essex should take advantage of State housing programs and the incentives or assistance that they may provide to make creating affordable housing easier or more rewarding for the municipality. Taking advantage of State housing programs can help Essex develop additional small-scale housing and preserve or even add to the affordable units on the SHI.	✓				✓
Strategy 5: Review Community Preservation Act funds to determine ways to increase local funding for Affordable Housing Community Preservation Act (CPA) funds are among the main ways municipalities fund their Affordable Housing Trusts or directly support affordable housing development. The municipality should review current CPA funding to identify opportunities to create funds for housing. Increasing available CPA funds helps fund the affordable housing trust and preserve existing SHI units.				✓	✓
Strategy 6: Offer pre-approved architectural design templates to streamline the permitting of small homes Pre-approved design templates make the permitting and development process much more efficient and affordable. Providing these templates will make the development of small homes more appealing and accessible. These templates would likely need to be produced by a third-party architectural firm that could best guide the Town on best practices for how detailed and how many templates should be offered to the public. Providing these templates could increase the availability of small-scale housing in Essex and provide new housing throughout downtown. This approach also benefits developers, who don't want to guess what the Town wants to see happen.	✓		✓		

Strategy					
Strategy 7: Reduce Parking Requirements for Affordable Housing Developments Reducing parking requirements reduces the space needed to develop affordable housing and lowers development costs. Zoning incentives that would allow affordable-unit construction could, for instance, permit one parking spot per affordable unit instead of two. This must be approached with great sensitivity, given the lack of public parking downtown and the limited transit access in Essex.		✓	✓		
Strategy 8: Work with the MBTA to create additional transit connectors to the greater T rail and bus networks Strengthening Essex's transportation network, in collaboration with the MBTA, makes the cost of living in Essex more affordable, supports the accessibility of affordable housing in town, and could support additional connections to Essex's Downtown District (likely to be the town's 3A district). This strategy would support the goal of zoning for affordable housing by making it more accessible and providing affordable transportation options beyond what the Cape Ann Transportation Authority can offer.		✓			
Strategy 9: Create a legal checklist criteria for the planning board to grant conversions of existing single-family to three-family Creating a simple approval process for converting single-family to multi-family homes makes this increase in units more accessible and more appealing. This checklist would make zoning for higher density and affordable housing in Essex much easier to implement. It would provide objective criteria for property owners to know what standards need to be met for a conversion to be acceptable. There are multiple ways this could be implemented. The checklist could result from a bylaw or an administrative document approved by the planning board, provided it falls within acceptable legal boundaries. Working with the town council will be necessary.		✓			

Strategy					
Strategy 10: Adopt a right of first refusal for Essex to acquire properties that are currently, or suitable, for Affordable housing development as identified in the Housing Production Plan.. Allowing the Town of Essex a right of first refusal would increase the number of sites for new Affordable Housing development. This would apply only to sites identified in a housing production plan and could serve as spaces for developing small-scale housing options for the Affordable Housing Trust or the Housing Authority. The town already has this option for land protected under Chapter 61. For example, 30 Apple Street was acquired by the town through a "right of first refusal". This means that the town (which includes the Affordable Housing Trust) would be allowed to purchase a property identified as a housing opportunity site if it comes to market for sale. This could be done formally or informally. Informally, it would be through conversations with property owners, who would agree to inform the town of their intent to sell, and allow the town to purchase the property at market value before coming to market. Formally, a bylaw could allow the Town to enter a "right of first refusal" agreement with any property owner of an identified affordable housing opportunity site. Under this agreement, the Town would have the right to match any market offer for the property and purchase it from the owner. There would be no obligation to match a market offer.	✓			✓	✓
Strategy 11: Explore additional incentives for seniors and property owners who rent to HCV holders Incentives could be monetary, such as in the form of tax relief from the Town or grant eligibility from the Affordable Housing Trust. Non-monetary incentives could include regulatory relief, such as allowing more stories or a greater building footprint than what would typically be allowed under the zoning code.		✓			
Strategy 12: Explore marketing and fundraising activities for the Affordable Housing Trust Essex should explore additional funding sources and fundraising activities to support the Affordable Housing Trust beyond CPA funds. Additional funds would directly support the Affordable Housing Trust Committee's work and allow them to devote more resources to preserving and increasing the SHI.				✓	✓

Strategy					
Strategy 13: Explore town-supported financing options for ADU development and conversion One of the biggest challenges surrounding ADU construction is the financing. ADUs in Massachusetts cannot be turned into condos with separate ownership, and the land cannot be deeded and used as security, forcing homeowners to typically mortgage their home to build an ADU if they don't have another means of securing a large loan. The town could partner with local financial institutions, Community Development Financial Institutions (CDFI), and nonprofits to incentivize new lending practices for Essex homeowners.	✓	✓			
Strategy 14: Incentivize and promote greater density in Essex's downtown To increase housing in downtown Essex, the town should collaborate with local and regional partners to incentivize higher-density development and promote new residential development. This strategy is crucial to meeting the goal of developing more housing in Essex's downtown. Partners could include local and regional chambers of commerce, developers, community groups, and the Council on Aging.			✓		
Strategy 15: Pursue and support Affordable Housing Projects that could increase the water and sewer infrastructure through grants and partnerships with Massworks. Massworks, the state-funded grant source that provides infrastructure for Massachusetts communities, favors projects that directly support development and greatly favors projects that support Affordable Housing development. Developments with affordable units built near where existing water and sewer connections end could allow those connections to be extended. This would increase the Town's water and sewer capacity, eliminating the need for more septic systems, which can cause nitrogen pollution in Essex's water table.	✓				
Strategy 16: Encourage small-scale, low-rise multifamily Affordable developments, such as clustered cottages Essex has neither the surficial geology, market strength, nor the will (political or developer) to build high-density development. Complimentary to the town's goal of preservation of open space, small-scale, low-rise multifamily of fewer than 10 units that fit in with Essex's existing town character is a more suitable housing typology and should be encouraged.	✓				

Strategy					
Strategy 17: Adopt an inclusionary zoning bylaw Inclusionary zoning requires the creation of affordable housing units in developments within the town of Essex. This bylaw is one of the most direct ways to zone for affordable housing. It could also be used to expand funding for the town's affordable housing trust and is a key way to increase the number of units Essex has on the SHI. These bylaws can also include a "fee-in-lieu", allowing the developer to make a payment to the Affordable Housing Trust in lieu of building the mandated Affordable units.		✓		✓	✓
Strategy 18: Consider creating a density bonus incentive program (can be included in the IZ bylaw) Density bonus incentives allow for additional homes to be built. The incentives take the form of relief for developers, allowing them to ignore certain zoning regulations in exchange for developing more housing. This can be part of an inclusionary zoning bylaw, allowing more units to be built if they are Affordable.		✓			
Strategy 19: Reduce minimum lot sizes (particularly for single-family homes). Decreasing minimum lot sizes across the town, particularly for single-family homes, enables smaller-scale development and supports higher-density housing overall. This supports both the goals of additional small-scale housing in Essex and would support zoning for higher-density residential areas that are naturally more affordable. It would make it easier to split a large lot into two, giving a homeowner the potential for financial relief if they want to sell only a portion of their property.	✓	✓			
Strategy 20: Tax Breaks for smaller homes (up to 900 sq ft) This could apply to either new construction or existing buildings. For new construction, it would encourage the development of starter homes and ADUs. It would discourage people from renovating existing homes and expanding them.	✓	✓			
Strategy 21: Promote inter-municipal coordination, including conversations between Trust Committee and the Open Space Committee Regardless of their explicitly defined role, all boards and committees are charged with doing what is going to be in the best interest of Essex's future. This is true of the Select Board, Planning Board, Finance Committee, Open Space Committee, Affordable Housing Trust Committee, and all the other volunteer entities in Essex. Decisions about the future of the Town should not be made in a vacuum, and allowing conversations between these boards and committees to flourish will help to eliminate feelings of conflicting goals and agendas.				✓	

Strategy					
Strategy 22: Create a guide for development in the town's 3A district A development guide is a tool that essentially tells property owners and developers, "this is what the Town wants to see, and if you present plans that are aligned with this guide, you'll face fewer challenges getting your development built". While 3A allows multifamily to be built by-right, Essex faces unique challenges related to soils, water and sewer capacity, parking, and more that developers may not be aware of. If the 3A district ends up being the Downtown District, there are also flooding concerns. This guide would show developers where it makes sense to build, benefiting developers, the Town, and the people who call Essex home.			✓		



Next Steps

Next Steps

Following the adoption of this plan, the Affordable Housing Trust Committee should monitor the implementation of the recommendations. This should be done in partnership with other parts of town that address housing through other avenues, such as community preservation, planning, town administration, and others. The Town may also explore grants, partnerships, and other opportunities to engage a consultant to assist with the technical aspects of this plan.

Implementing this plan will be both proactive and reactive. There are many strategies that the Affordable Housing Trust Committee and other appropriate town entities can work on without any prerequisite actions. Development opportunities, especially on identified development sites, may arise without prior notice, requiring the Town and the Committee to respond as they occur. Being pragmatic and thoughtful will ensure that the Town makes the best use of opportunities presented.

The Town will also need to take the necessary actions to comply with Section 3A. To avoid penalties and the loss of state-funded grants, this must be completed by December 31, 2025. Right now, the town has interim compliance through an action plan submitted to EOHLC. That action plan will no longer be considered interim compliance come 2026.



Photo by John Cruz.



Appendix

Appendix A: Subsidized Housing Inventory
Appendix B: Affordable Housing Trust Committee enabling bylaw
Appendix C: MAPC Zoning Diagnostic
Appendix D: Town of Essex CPC Most Recent Annnual Report
Appendix E: Fair Housing and Resident Selection Guidelines
Appendix F: Presentations to the committee (engagement summary)

Appendix A:
Subsidized Housing Inventory

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES CH40B SUBSIDIZED HOUSING INVENTORY

Essex

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
938	Chebacco Terrace	Winthrop Street	Rental	40	Perp	No	*EOHLC*
4274	DDS Group Homes	Confidential	Rental	0	N/A	No	*DDS*
	Essex Totals			40	**Census 2020 Year Round Housing Units**		1,549
					Percent Subsidized		2.58%

This data is derived from information provided to the Executive Office of Housing and Livable Communities (EOHLC) by individual communities and is subject to change as new information is obtained and use restrictions expire.

Appendix B:
Affordable Housing Trust Committee enabling bylaw (May 2, 2022)

recommendations to Town officials, who may then develop proposed zoning bylaw amendments for consideration by Town Meeting; or take any other action relative thereto.

6-16 TEMPORARY MORATORIUM ON BUSINESS AND INDUSTRIAL CONVERSIONS

No building permit shall be issued for any work and no use shall be made of land that results in a change in use from residential, open space, or vacant lot to Business, Industrial A, or Industrial B use on any land located in the Town of Essex ~~for a period of two years from the effective date of this bylaw~~ **until January 1, 2024**; provided, however, that this bylaw shall not apply in the newly-created Essex Downtown Zoning District, to any work in connection with adding a home occupation to a new or existing residential use, or to any change in use from an existing business or industrial use to another type of business or industrial use. During the moratorium period, the Planning Board, Board of Selectmen and other Town officials shall review and address the impacts of current, impending and potential business and industrial developments and they shall develop a plan to mitigate future impacts of such developments on the general health, safety, welfare and quality of life of the residents of the Town of Essex, which may include but not be limited to the presentation of suggested bylaw amendments to a future town meeting. The purpose of this bylaw is to temporarily slow the rate of business and industrial development in the Town so that there can be an opportunity to study the impacts of such development and determine how to best address it in the future. The Town of Essex is relatively unique insofar as it does not have traditional zoning districts such as residential, business, agricultural, or industrial and it does not have a use table in its zoning bylaws. While the Town has primarily been a rural residential community, in recent years there has been more interest in bringing business and industrial enterprises to the Town. While Town officials are in favor of growing the Town's business and industrial base, new business and industrial enterprises are not always in harmony with existing residential uses. This has led to an increase in complaints concerning noise, traffic and other impacts from such uses in residential neighborhoods. Given the rate at which such new business and industrial development has been occurring, time is needed to study the issue and determine whether there should be amendments to the Town's zoning bylaws to address these and other issues.

ARTICLE 15

To see if the Town will vote to accept the provisions of Section 55C of Chapter 44 of the General Laws allowing for a Municipal Affordable Housing Trust Fund and to add a new section 2-28 to the Town bylaws that will govern the formation and operation of said Trust, as follows:

2-28 MUNICIPAL AFFORDABLE HOUSING TRUST

There shall be a Municipal Affordable Housing Trust, the purpose of which shall be to provide for the creation and preservation of affordable housing in the Town of Essex for the benefit of low and moderate income households and for the funding of community housing in accordance with the provisions of M.G.L. Chapter 44B. The Trust shall be governed by a Board of Trustees

in accordance with M.G.L. c. 44, Section 55C, as amended from time to time, and the authority granted by Town Meeting.

A. Name of the Trust
The Trust shall be called the "Essex Municipal Affordable Housing Trust," herein referred to as the Trust.

B. Purpose
The purpose of the Trust shall be to provide for the creation and preservation of affordable housing in the Town of Essex for the benefit of low and moderate income households and for the funding of community housing as defined in Chapter 44B.

C. Board of Trustees
There shall be a Board of Trustees (the "board") consisting of seven (7) Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Board of Selectmen, one of the Trustees shall be a member of the Planning Board, one of the Trustees shall be a member of the Housing Authority, one of the Trustees shall be a member of the Community Preservation Committee, one of the Trustees shall be a member of the Finance Committee (provided that said member is authorized to serve pursuant to a unanimous vote of the Board of Selectmen and the Finance Committee pursuant to Section 2-4.1 of the Town of Essex Bylaws) or a former member of the Finance Committee, and there shall be two Trustees at large, who, to the extent possible, shall have backgrounds or experience in affordable housing, and specifically those with financial, legal, real estate or development expertise. An at-large member may also be any former member of the Essex Board of Selectmen.

Only persons who are residents of the Town of Essex shall be eligible to hold the office of Trustee and the term of any Trustee who no longer resides in the Town of Essex shall immediately expire. Trustees shall serve for a term of two years, except that three of the initial Trustee appointments shall be for a term of one year. The Board of Selectmen may reappoint Trustees for succeeding terms, and there is no limit on the number of terms that a Trustee can serve.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee are filed with the Town Clerk. Upon the appointment of any Trustee and the filing of such appointment with the

Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees . Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state, or federal law; failure to attend three consecutive meetings of the board; incapacity to perform the duties of a Trustee; and acts of the Trustee that, in the opinion of the Board of Selectmen, are negligent or detrimental to the Town of Essex or the Trust.

D. Meetings of the Trust
The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, Mass. General Laws Chapter 30A, Sections 18-25. A quorum at any meeting shall be a majority of the Trustees (or remotely should the laws of the Commonwealth allow).

E. Powers of Trustees
The Board shall have all of the powers and duties set forth in Section 55C as follows:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the Town for inclusion in the community preservation initiatives report, form CP–3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into

such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral, with the following limitations;

(12) to make distributions or divisions of principal in kind;

(13) to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

Notwithstanding anything to the contrary herein, Board of Selectmen approval shall be required for the following actions:

(a) To expend in excess of $200,000.00, singly or in the aggregate; or
(b) To borrow money, or to mortgage or pledge Trust assets as collateral in excess of 80% of the Trust's assets.

F. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Essex zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. Funds appropriated by the Town of Essex Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any conditions stipulated in the article's motion for monies appropriated by the Essex Town Meeting.

G. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to a Trust asset. No person dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon the order of the Trustees.

H. Liability

Neither the Trustees nor any agent or office of the Trust shall have the authority to bind the Town of Essex, except in the manner specifically authorized herein.

I. Public Employer

The Trust is a public employer and the Trustees are public employees for the purposes of General Laws Chapter 258.

J. Municipal Agency

The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of General Laws Chapter 268A.

K. Insurance
The Trustees shall be provided the same scope and degree of municipal insurance coverage as is provided to other appointed board and commission members within the Town of Essex.

L. Custodian of Funds
The Town of Essex Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Costs associated with the independent audit shall be borne by the Trust.

M. Duration of the Trust
This Trust shall be of indefinite duration. However, the Trust may be terminated by a vote of the Essex Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Essex and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Essex. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Essex Town Meeting has voted to terminate the Trust, the Board of Selectmen shall approve all financial transactions made on behalf of the Trust.

N. Titles
The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

O. Compensation of Trustees
Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Essex. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

P. Amendments
The provisions of this Trust can only be amended by a vote of the Essex Town Meeting.

Q. Conflicts of Interest
The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of General Laws Chapter 268A.

R. Annual Report
The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to the Essex Board of Selectmen by February 28 of each year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

; or take any other action relating thereto.

ARTICLE 16

To see if the Town will vote to increase the terms of office for Moderator and Constable from one to three years, said increase to take effect on the ballot for the 2023 Annual Town Election; or take any other action relative thereto.

ARTICLE 17

To see if the Town will vote to amend subsection l. of Section 1 of Article 4 of the Town's general bylaws, which currently reads:

l. Winter parking ban goes into effect December 1 to April 1. No parking on any street, midnight to dawn with the exception of Pickering Street, (easterly side).

By adding the following **bolded words** as shown below:

l. Winter parking ban goes into effect December 1 to April 1: No parking on any street, midnight to dawn, with the exception of Pickering Street (easterly side), **or any time of the day, in any month of the year on any street if the Chairman of the Board of Selectmen, in consultation with the Emergency Management Director, has declared a State of Emergency as a result of snow or ice.**

; or take any other action relating thereto.

Appendix C:
MAPC Zoning Diagnostic

Essex Zoning Diagnostic

Produced by the Metropolitan Area Planning Council (MAPC)
for the Town of Essex

May 2022



Photo Credit: Arlene Taliadoros

Acknowledgements

Funding

This project was funded by a FY22 Best Practices Community Compact Grant.

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Introduction

The Town of Essex has a unique zoning bylaw, where residential, commercial, and industrial uses can potentially go anywhere, provided lot dimensional requirements are met. Lenient zoning regulations have worked for the Town for many years, largely due to environmental conditions, like poor soils, wetlands, and permanently protected open spaces, that have served as natural development constraints. However, in recent years, infrastructure technologies and development pressures from being in a growing metropolitan region have made Essex more appealing for new growth. As new businesses have located in Essex, the lack of zoning regulations have sometimes resulted in conflicts with neighboring residential uses. In 2021, the Town enacted a temporary moratorium on changes of use from residential or agricultural use to business and/or industrial new business or industrial uses to allow time for the Town to review the zoning bylaw.

The Essex Board of Selectmen Planning Board engaged the Metropolitan Area Planning Council (MAPC) to work with the Planning Board to assist in reviewing the zoning bylaw. The Planning Board Town officials wanted to better understand existing land use patterns and characteristics. More importantly, the Town wanted to gauge public opinion and hear how the zoning is currently working and what potential amendments could be made to better protect what residents value most about Essex.

Why do communities make plans and enact zoning?

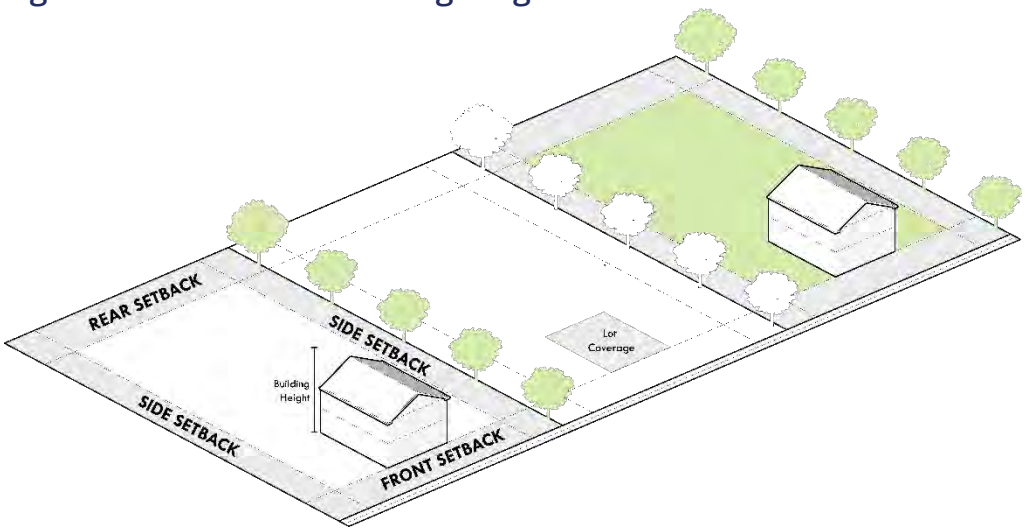
Planning and zoning are separate functions but work together to guide and positively shape the growth of communities. While planning is a process that involves goal setting and a vision of what a community aspires to be, zoning is an effective tool that can be used to achieve and advance this vision.

Planning is a collaborative process in which local leaders, residents, and other community organizations come together to help define a shared community vision. The planning process often involves the development of a Comprehensive Plan which examines the physical, social and economic aspects of a community and sets forth goals that guide its vision for the future. The comprehensive plan provides an overall foundation for land use regulations in a community and addresses issues like transportation, housing, economic development, community services, open space and recreation, and natural and cultural resources. In Essex, the last comprehensive plan (called a community development plan at the time) was adopted in 2004. Since that time, the Town has worked to create functional plans that address specific policy areas such as economic development, open space preservation, and downtown economic recovery from Covid-19. See the Policy Context section for more about Essex's past planning efforts.

Zoning is a tool used to protect the health, safety, and welfare of communities and implement the objectives of the comprehensive plan. Zoning dictates what can be developed on every parcel of land: the allowed uses, the placement and form of structures, the amount of open space required, the number of parking spaces, and more. Communities also use zoning to ensure compatibility between adjacent uses of land, protect natural resources, and protect the value of property.

Use-based zoning (also known as "Euclidean" zoning) is the oldest and most conventional zoning bylaw structure. This zoning structure divides a community into districts where different uses are allowed, and different setbacks, building height, lot coverage, and other standards typically apply.

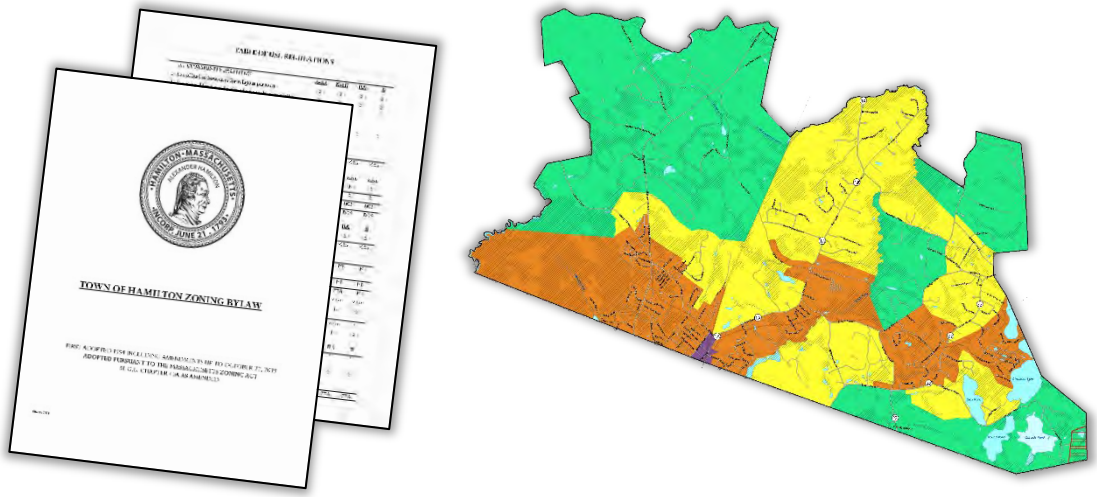
Figure 1 Conventional Zoning Diagram



A conventional zoning bylaw consists of two parts: a zoning map and the zoning text.

- **Zoning Map:** A map that shows how the community is divided into different use districts or zones. Zoning districts are established to promote compatible land use patterns within a defined area.
- **Zoning Text:** The zoning text establishes site development and performance standards appropriate to the purposes and the uses allowed in each zoning district.

Figure 2 Example of Zoning Bylaw text and zoning map with use-based zoning districts



Source: Town of Hamilton

Essex first enacted zoning in 1959, but the Town decided against conventional zoning where different use-based districts were enacted. Instead, the entire town was considered part of a "general" zoning district. See the zoning audit section for more information about the Town's existing zoning bylaw.

Project Findings

The remainder of this report details project findings, including:

- **Existing conditions.** A review of current demographics, existing land uses and development patterns, and development constraints.

- **Policy context.** A summation of relevant past planning efforts and notable policies that can be advanced through zoning bylaw amendments.
- **Zoning audit findings.** An analysis of how the current zoning bylaw works and what provisions may be conflicting or problematic.
- **Community feedback.** An overview of the different engagement activities and themes that arose from the public outreach process that helped shape recommendations.
- **Recommendations.** Opportunities for future zoning bylaw amendments and improvements to the administration and enforcement of the zoning bylaw.
- **Next steps.** How to move forward with implementation of these recommendations.

Existing Conditions

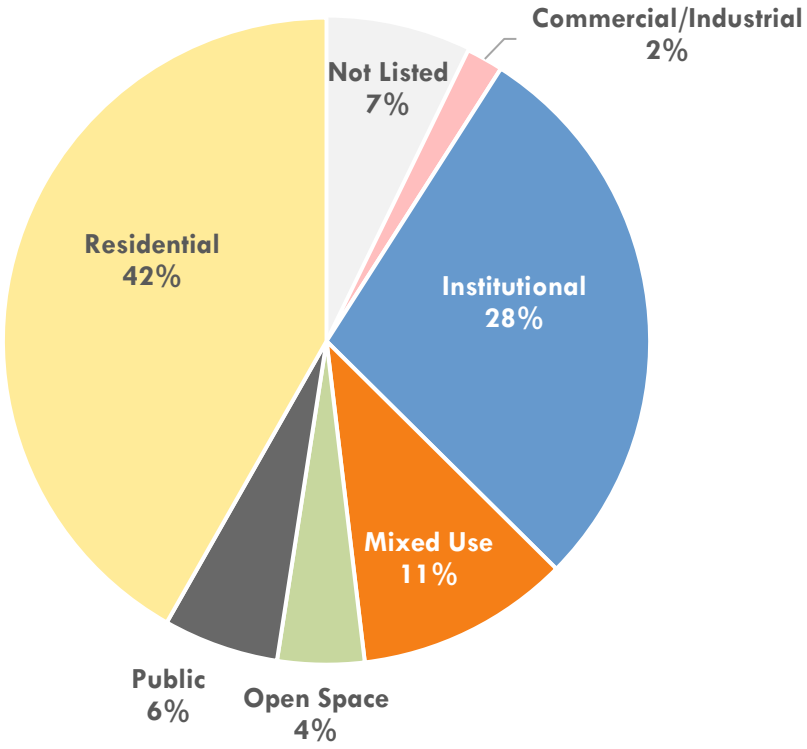
Essex is located on Cape Ann, about 35 miles northeast of Boston. Essex is a small town dominated by rural landscapes and nestled among beautiful natural resources like the Great Marsh and Essex River. Essex is home to 3,675 people, composed of 1,489 households. 1,662 housing units exist in Essex. The median household income in Essex is $106,283.[1] The Town covers about 14 square miles. While neighboring communities have experienced more growth, Essex has remained rural with fewer new developments, largely due to topography and lack of public water or sewer. As a result, Essex has a small tax base in which residential and commercial land uses are taxed at the same rate. This presents a challenge for serving a large geographic area and achieving community goals such as open space preservation, meeting affordable housing needs, and promoting smart growth.

Figure 3 shows the breakdown of existing land uses by land area, based on the Town's Assessor's data. **Map 1** shows the location of the various existing land uses in Essex. The Town is largely residential (42%). A significant share of the Town is also permanently protected open space or owned by institutions like private educational institutions, charitable organizations, churches, libraries, cemeteries, or privately owned open space – these two categories comprise 32% of the existing land uses. **Map 2** shows the open space by ownership type, deed restrictions, and level of protection (limited or in perpetuity). The land uses not listed, which comprise 7% of the land area, include road rights-of-way or water bodies. The existing land use analysis shows that very little land is dedicated to commercial or industrial uses – only 2% (see **Map 3**). Essex is unique in that there are many home occupations, but they are not tracked. Many of the home occupations may have expanded on properties and may now be more closely aligned with commercial activities rather than residential. The existing land use analysis does not capture this data. (See the recommendations section for more discussion on home occupations.)

Appendix A includes additional maps that show building footprints, impervious surface coverage, building lot coverage, parcel size, vacant parcels, and parcels missing land use codes.

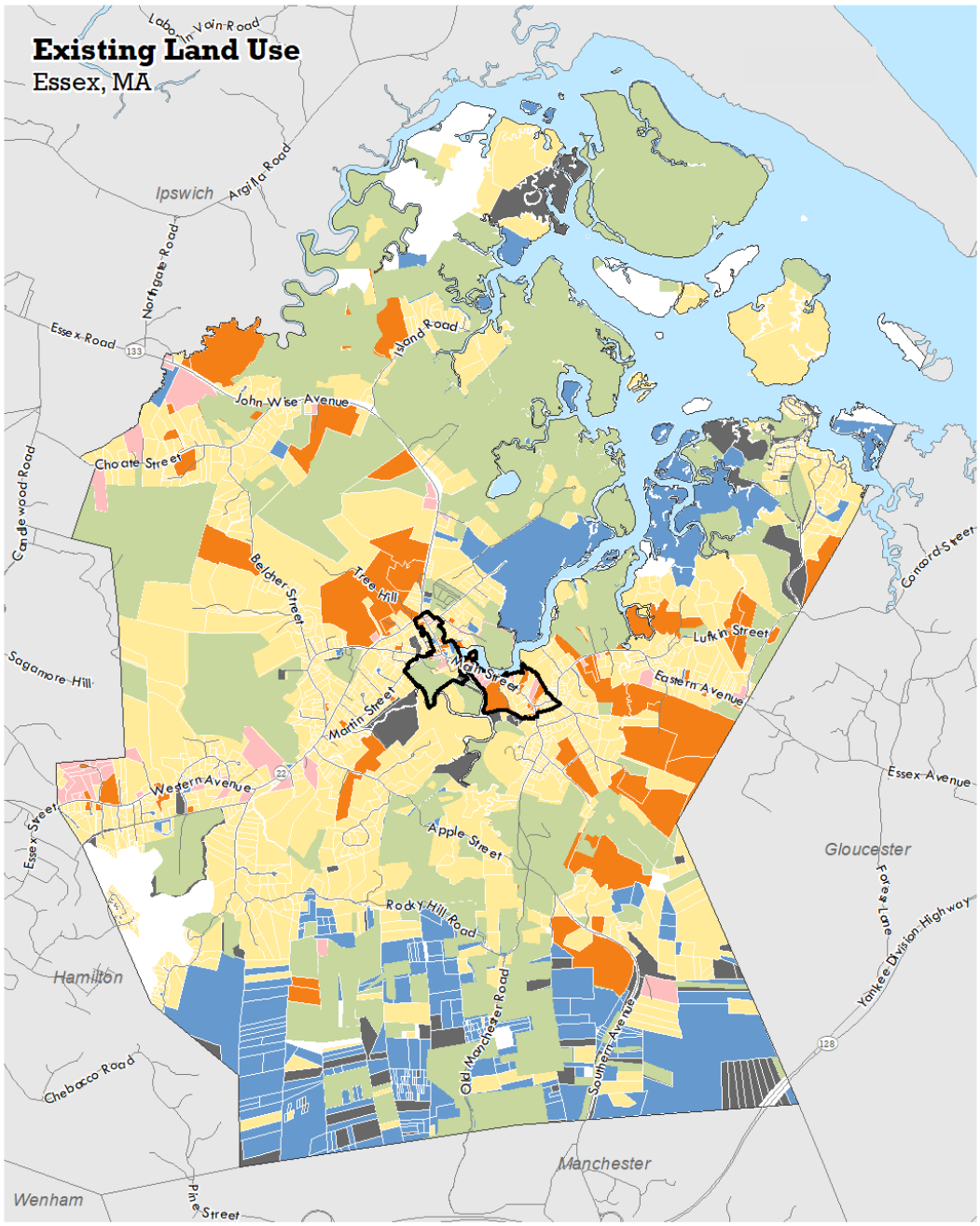
1 U.S. Census Bureau, 2020 Decennial Census and American Community Survey, 2015-2019 Five-Year Estimates.

Figure 3 Existing Land Uses



Source: Town Assessor's Data, MassGIS

Map 1 Existing Land Uses



Land Use Category

- Downtown District Boundary
- Not Listed*
- Commercial/Industrial
- Institutional
- Mixed Use
- Open Space
- Public
- Residential

*Primarily water, public and private roads, among other parcels

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111 | (617) 933-0700

Data Sources: MAPC, MassGIS, MassDOT
Based on Assessor's data.

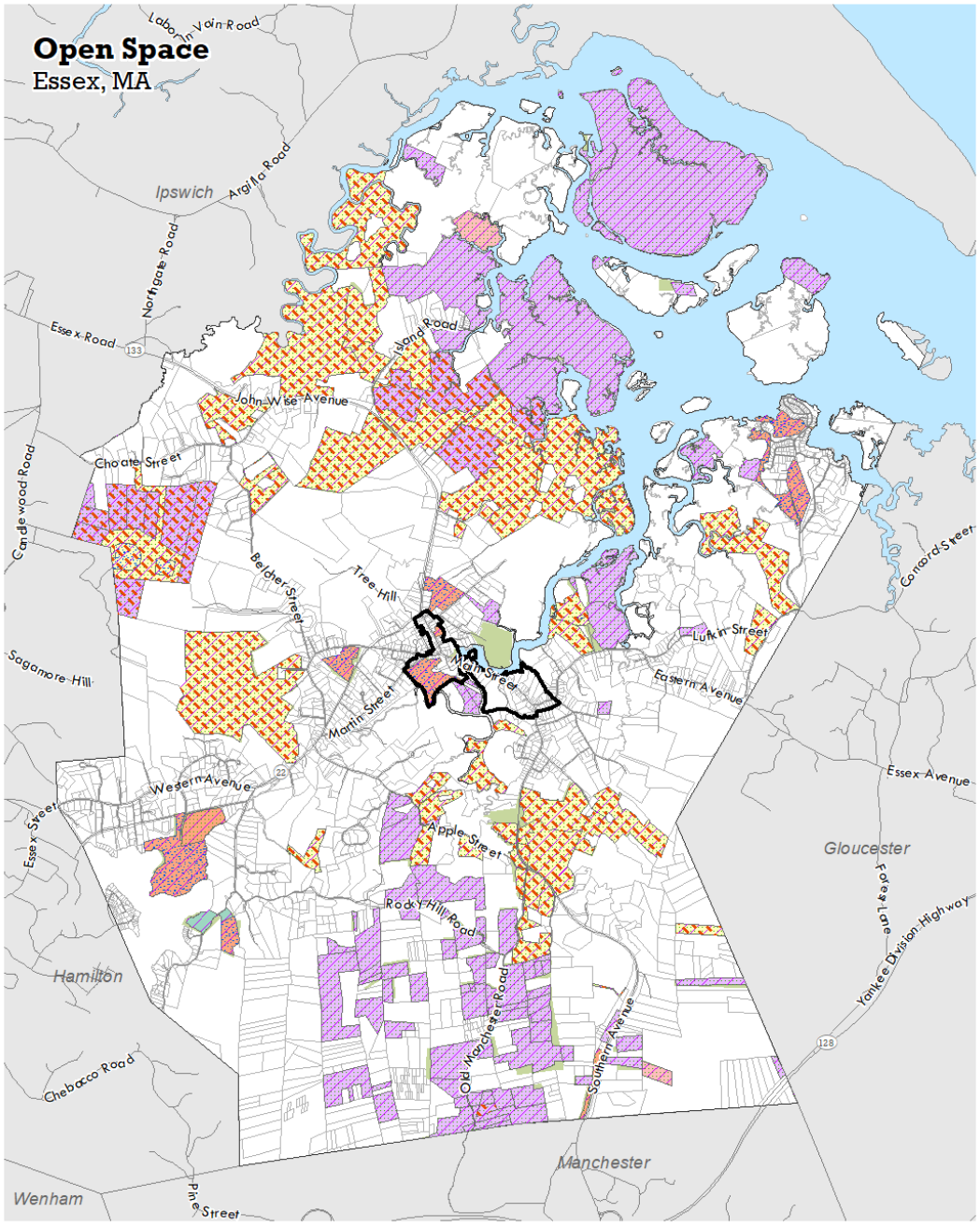
February 2022

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MAPC

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Map 2 Protected Open Space



Open Space Legend

Ownership

- Land Trust
- Municipal
- Private Non-Profit
- Private
- State

Deed Restrictions

- Conservation Restriction
- Agricultural Preservation Restriction

Level of Protection

- Limited
- Perpetuity

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

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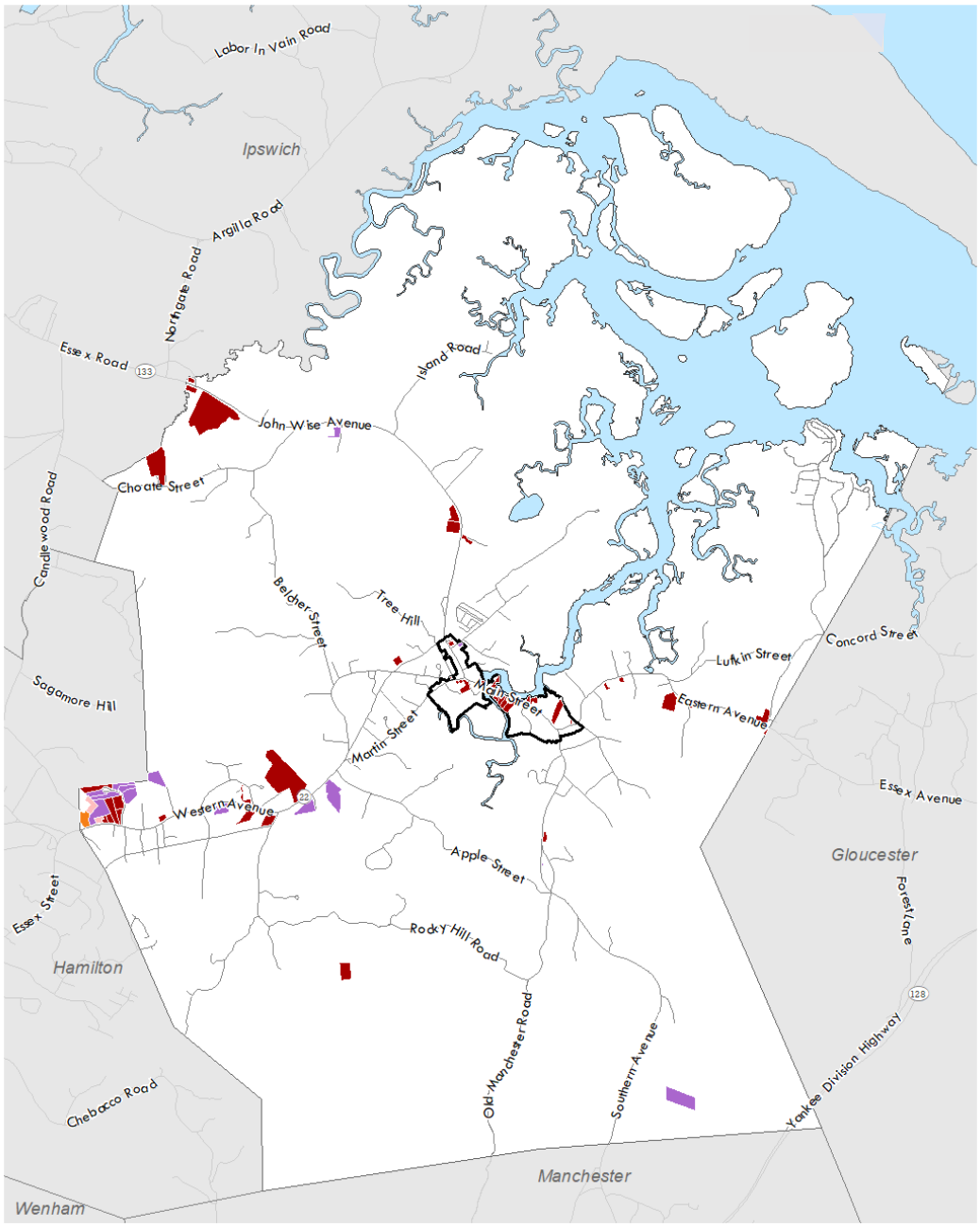
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Map 3 Commercial and Industrial Uses



Existing Commercial and Industrial Land Use
Essex, MA

- Mixed Commercial/Industrial
- Commercial Vacant
- Commercial
- Industrial Vacant
- Industrial
- Downtown District Boundary

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111 | (617) 933-0700

Data Sources: MAPC, MassGIS, MassDOT.
Based on Assessor's data.

February 2022

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MAPC

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Policy Context – Past Planning Efforts

Over the years, the Town has undertaken different planning efforts and initiatives aimed at managing growth, protecting natural resources, promoting economic opportunities, and preserving what is valued most in the community. Many of these efforts resulted in recommendations that could partially be implemented through amendments to the zoning bylaw. Considering the recommendations of past planning efforts, in addition to the feedback received through this project, can provide a foundation for future zoning reform.

2004 Community Development Plan

This long-range plan addressed future growth and development by creating visions, goals, and strategies in four topic areas: natural resources and open space, housing, economic development, and transportation. A community development map described future land uses for specific areas of town, including identifying areas where multi-family and non-residential uses may be more appropriate. Housing strategies in the plan recommended adoption of Back-Lot Development zoning to manage Approval Not Required (ANR) subdivisions; allowing the conversion of existing single-family detached homes into three-family units by-right town-wide; adopting inclusionary zoning for new housing developments; and allowing accessory dwelling units town-wide. Economic development strategies focused on managing business uses. Recommendations included increasing the types of businesses that require special permits, especially along the Route 22 corridor or Causeway, and expanding site plan review requirements for business uses near residential areas.

2016-2023 Open Space and Recreation Plan

The Open Space Plan considers the future of conservation and recreation resources in the Town and includes goals and objectives for open space preservation. Essex's most recent plan works to protect and preserve Essex Woods and the scenic vistas of the Route 133 Scenic Byway. The plan recommends enacting a scenic agricultural/residential overlay zoning district to preserve woodlands, agricultural land, and other scenic views along John Wise and Southern Avenues.

2015-2020 Strategic Plan

The Town built on efforts from the various boards and committees to create a five-year strategic plan that identifies ten overarching goals for Essex and a variety of actions to achieve goals. The plan guides the priorities of the Town and how finite resources are best leveraged to achieve long-term goals. Several of the goals include actions that could be accomplished through zoning reform efforts.

- **Goal 2** aims to increase participation in Town government. As the Planning Board considers zoning amendments, developing robust outreach activities to engage the public in the process will help achieve this goal and could lead to more involvement in other Town issues.
- **Goal 3** works to maintain and develop a strong business community. Actions recommend that the Planning Board look for ways that zoning "can support economic development and create new commercial and economic zones" and to "determine appropriate places for new commercial/industrial development". The strategic plan also supported the adoption of the downtown zoning district.
- **Goal 4** calls for increasing the amount of protected land in Essex, and related actions recommend protecting scenic viewsheds and enacting a conservation or wetland bylaw that could work in tandem with zoning bylaw amendments to minimize development impacts on wetlands or other water resource areas.
- **Goal 5** is to improve the health of Essex's rivers, marshes, and lakes. Recommendations related to regulating water pollution, maintaining native vegetation, and removing invasive plants could be enhanced through additional zoning requirements.

- **Goal 9** addresses the housing needs of all Essex residents. Specific zoning recommendations include adopting a mixed-use zoning bylaw to better utilize already developed land and allowing accessory dwelling units throughout Town.

2020 Economic Development Plan

The Town worked with MAPC in 2020 to complete an Economic Development Action Plan that would create a town-wide vision for economic development and a five-year work plan that could focus economic development efforts. The study included a market assessment and identification of strategic sector-based growth locations in town. Plan recommendations related to zoning amendments include:

- Removing obstacles to creating a full range of housing types, including both market-rate and deed-restricted affordable housing options. To do this, the Town could consider an inclusionary zoning bylaw to increase the share of deed-restricted housing. The Plan also recommends making it easier to build accessory dwelling units, both detached and attached.
- Increasing parking flexibility through review of parking minimums, allowing shared parking, requiring bicycle parking, and limiting the number of curb cuts.
- Developing and adopting a Complete Streets policy.
- Requiring traffic management solutions (like signage, lane design and markings, signalization, etc.).
- The Economic Development plan also recommended expanding Town capabilities and resources through increasing the Town Planner staff time and working with the Essex Merchant's Association.

2021 Local Rapid Recovery Plan

In response to the Covid-19 pandemic, the Baker-Polito Administration's Local Rapid Recovery Planning program provided technical assistance to municipalities to develop actionable, project-based recovery plans tailored to their unique economic challenges and Covid-19 related impacts to town centers, downtowns, and other commercial areas. Essex partnered with Manchester-by-the-Sea to create a plan that focused on downtown recovery efforts. The plan was created with significant input from the local business community. Many of the recommendations center on placemaking, improving the experience of downtown visitors, and supporting existing and future business growth. The plan did recognize the need for zoning amendments that better reflected Essex's economic development and housing goals. Specifically, the plan calls for the Town to create new zoning that directs business growth and consider the potential impacts of new commercial zoning districts on existing businesses.

Zoning Audit Findings

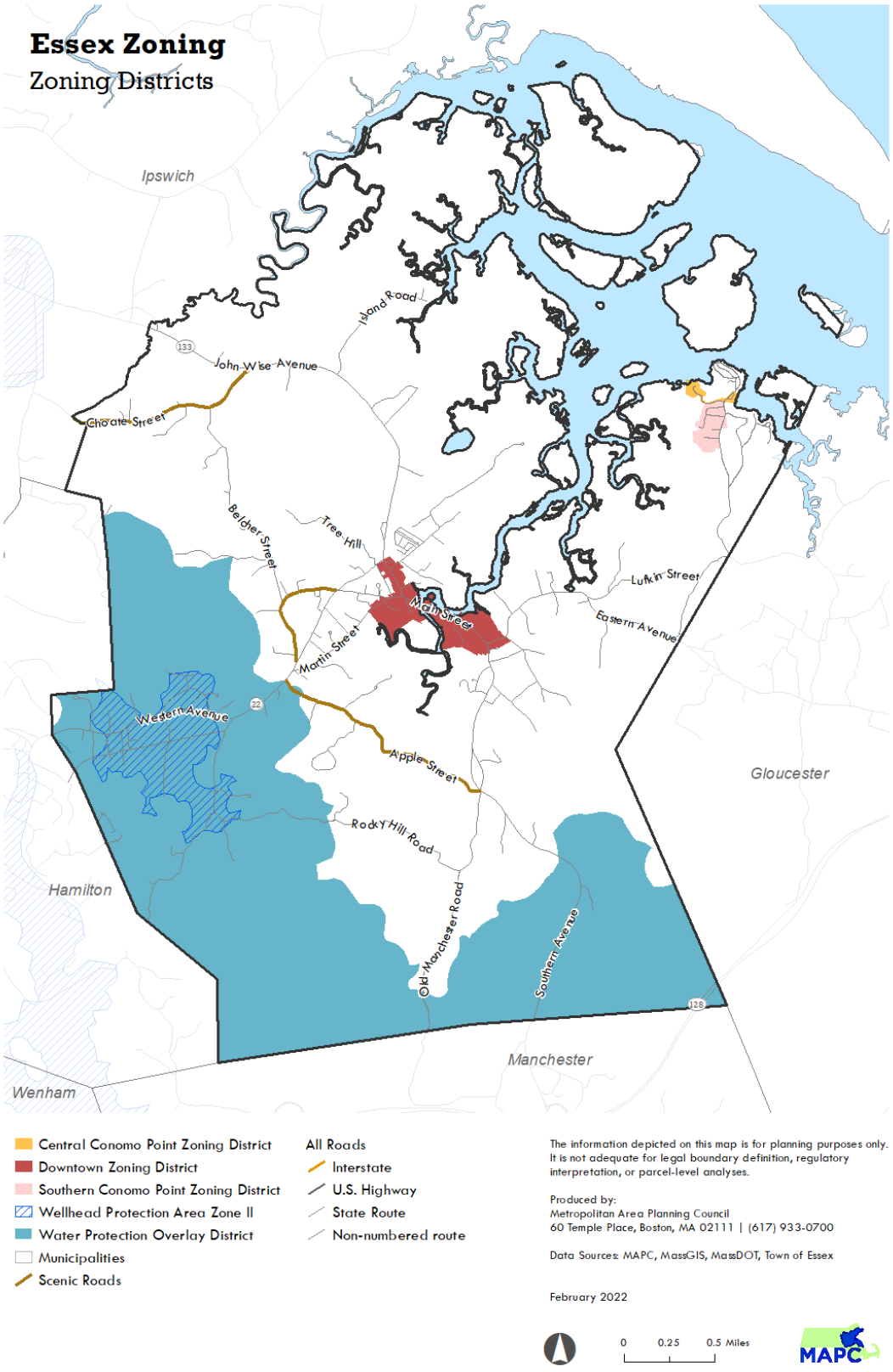
Zoning audits provide an opportunity for a comprehensive review of zoning regulations to determine areas of strength, issues regarding conformity with statutory and case law, areas where updates or amendments are required, and the potential approach for amending regulations. Where possible, audit recommendations can pinpoint sections of bylaws that would benefit from the addition of graphics or other formatting/organization changes. MAPC audited Essex's zoning bylaw based on initial staff impressions and expertise and interviews with Town officials charged with administering and interpreting the bylaw.

Essex adopted its first Zoning Bylaw (Chapter VI of the Town of Essex By-laws) in 1959, with a major revision taking place in 1972, which is the basis of the current zoning bylaw. A number of additions and amendments have been made over the years, with the latest revisions having occurred at the 2021 Fall Town Meeting. Unlike most other cities and towns in the Commonwealth, Essex does not have conventional zoning districts that separate specific land uses such as residential, commercial, and industrial into designated districts. Instead, the Town's zoning requirements generally apply town-wide. The Town has established three base zoning districts the Essex Downtown Zoning District, the Southern Conomo Point Zoning District, and the Central Conomo Point Zoning District as shown in Error! Reference source not found. and **Map 4**. Approximately 98% of all land in Essex lies outside the Town's underlying zoning districts. Therefore, all land uses (residential, commercial, and industrial) are permitted in this general area if minimum lot size requirements and other dimensional standards are met.

Table 1 Essex Zoning Districts

Zoning	Acres	% of Town Limits
Downtown Zoning District	90	0.9%
Southern Conomo Point Zoning District	23	0.3%
Central Conomo Point Zoning District	7	0.1%
Unzoned	9,004	98.7%
Total acreage in Town limits*	9,124	100%
*Public rights-of-way account for approximately 2% of the land area within Town limits.		

Map 4 Zoning Map



Downtown Zoning District

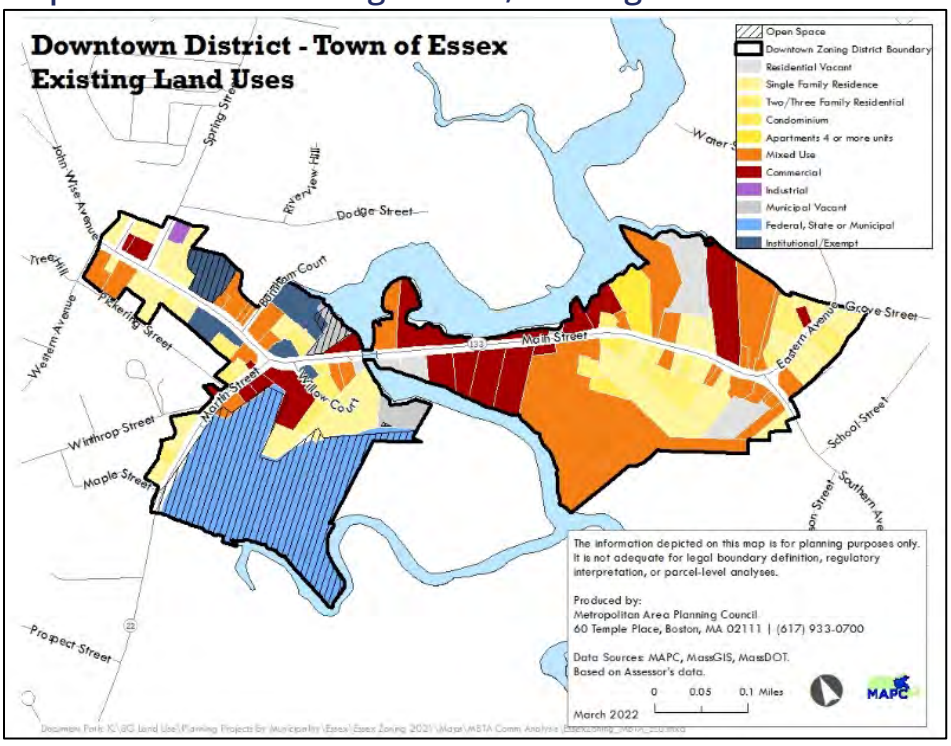
The Essex Downtown Zoning District was created to facilitate reduced dimensional requirements for the area designated and provide as matter of right the ability to have mixed use, Business and Residential, while minimizing disruption to the existing building configurations.

The following uses are permitted as of right with site plan review:

- Single- and two-family residential
- Multi-family residential (3-4 units)
- Mixed Use (2-3 units)
- Business
- Industrial, Class B (defined as a building used for manufacturing purposes which is less than 2,500 square feet in area and within which 11 or less people are employed on any one eight-hour shift)

The Planning Board may allow motel and hotel, multi-family residential with five or more units, and mixed uses with four or more residential units by Special Permit. Industrial, Class A uses are prohibited. The minimum lot size for motel and hotel uses is 90,000 square feet, the minimum lot size for all other permitted uses in the district is 10,000 square feet. There is a 50% maximum structural coverage standard, or 75% for the entire lot (including all impervious surfaces such as parking lots). For lots larger than 60,000 square feet there is a 25% maximum structural coverage standard, or 50% for the entire lot (including all impervious surfaces such as parking lots). The maximum building height is 35 feet however, new mixed-use development can be as tall as 40 feet with a special permit from the Planning Board.

Map 5 Downtown Zoning District, Existing Land Uses



Residential Zoning Districts

The Town has established two special residential zoning districts in the eastern-most part of the town, known as Conomo Point. Conomo Point is a small peninsula that juts out into the Essex River near its

confluence with Essex Bay and the Atlantic Ocean. Most of the homes on Conomo Point are modest late 19th and early 20th century summer cottages with some architectural elaboration[2].

Southern Conomo Point Zoning District

The purpose of the Southern Conomo Point Zoning District (SCPZD) is to facilitate the subdivision of the previously developed area south of Robbins Island Road while minimizing disruption to the existing historical building configuration.

The SCPZD is divided into two sub-districts: the Single-Family Sub-District and the Seasonal Cottage Sub-District. Single family dwellings are permitted as of right and may be used year-round in the Single-Family Sub-District. The minimum lot size is 30,000 square feet with a minimum frontage of 100 feet. The maximum building height is 20 feet, and the lot coverage maximum is 5%, or 10% for the entire lot (including all impervious surfaces such as parking lots). This sub-district has a maximum floor area ratio (FAR) of 0.1.

Seasonal cottages are permitted as of right in the Seasonal Cottage Sub-District, but use and occupancy is limited to April 15 to October 15 of any given year. Section 6-11.3 of the bylaw defines seasonal cottages as a detached residential dwelling unit, other than a mobile home, of 1½ stories or fewer and 1,800 square feet or under that is used for seasonal occupancy. The minimum lot size in this sub-district is 6,000 square feet with a minimum frontage of 60 feet. The maximum building height is 15 feet, and the lot coverage maximum is 15%, or 20% for the entire lot (including all impervious surfaces such as parking lots). This sub-district has a maximum floor area ratio (FAR) of 0.2.

Central Conomo Point Zoning District

The purpose of the Central Conomo Point Zoning District (CCPZD) is to facilitate the subdivision of the central portion of the previously developed area north of Robbins Island Road while minimizing disruption to the existing historical building configuration.

Seasonal cottages are permitted as of right, but use and occupancy is limited to April 15 to October 15 of any given year. Section 6-12.3 of the bylaw defines seasonal cottages as a detached principal structure with a residential dwelling unit, other than a mobile home, of 1½ stories or fewer that is used for seasonal occupancy. Additionally, storage and certain municipal uses such as parks, playgrounds, off-street parking facilities and public recreational areas, are permitted as of right as a principal use. The minimum lot size in this district is 5,000 square feet with a minimum frontage of 40 feet. The maximum building height is 15 feet, and the lot coverage maximum is 25%, or 30% for the entire lot (including all impervious surfaces such as parking lots). The district has a maximum floor area ratio (FAR) of 0.3.

Overlay Districts

In addition to the three underlying zoning districts, the Town also has three overlay districts that impose additional regulations on land use for a specific purpose. These include the Wetlands Overlay District, the Flood Plain Overlay District, and the Water Resource Protection Overlay District.

Use Regulations

The most basic element of conventional zoning is the division of uses by district. Use regulations are important to advance neighborhood welfare, maintain compatibility, and protect property values. The Essex Zoning Bylaw is not organized by district, but instead organized through a classification of principal uses in Section 6-3 which includes dimensional requirements and permitting information. Section 6-3.1 lists six broad land use categories:

2 2016 Essex Open Space and Recreation Plan, 49

- **Residential, Single and Two Family** (note: the definition of single-family excludes trailers or mobile homes)
- **Residential, Multi-family** (three or more units)
- **Business:** The bylaw provides vague language regarding business uses. Business is defined as, "The transaction or carrying on of a trade or commercial enterprise, not manufacturing, operating for profit or for a livelihood, or as a non-profit entity."
- **Motel and Hotel:** This use is not defined in the bylaw.
- **Industrial:** The bylaw provides vague language regarding industrial uses. In general, it refers to a building used for manufacturing purposes, but "manufacturing" is not defined.
    - **Industrial Land Use, Class A:** A building used for manufacturing purposes which is either greater than or equal to 2,500 square feet in are or within which 12 or more people are employed on one eight-hour shift.
    - **Industrial Land Use, Class B**: A building used for manufacturing purposes which is less than 2,500 square feet in area and within which 11 or less people are employed on any one eight-hour shift.

With these six broad land use categories, it is unclear how public or institutional uses such as town facilities, churches, etc. are regulated. Recently, this vagueness in the bylaw made permitting a new public safety building more challenging. In general, Essex's use regulations are minimal because most uses are allowed by right, provided that lot dimensional requirements are met for each use. The existing bylaw lacks a Table of Use Regulations and a current and comprehensive use list. In addition, the bylaw does not define or otherwise describe many of the uses listed in Section 6-3.1, and many of the uses listed are not consistent with the uses listed elsewhere in the bylaw, such as in the Table of Parking Requirements in Section 6-6.1.1. Under the current bylaw, the reader needs to turn to each underlying district (Essex Downtown Zoning District (ZD), Southern Conomo Point ZD, and Central Conomo Point ZD) regulation separately to determine whether and where a use is permitted. This makes it extremely cumbersome to compare allowable uses across zoning districts. A modern best practice is to consolidate uses into a single table of allowed uses, with rows representing land use categories and specific use types, and columns representing the zoning districts (See Error! Reference source not found.). A comprehensive use table also makes it easier to track inconsistencies in uses and ensures that all uses are appropriately defined.

Figure 4 Example Table of Use Regulations

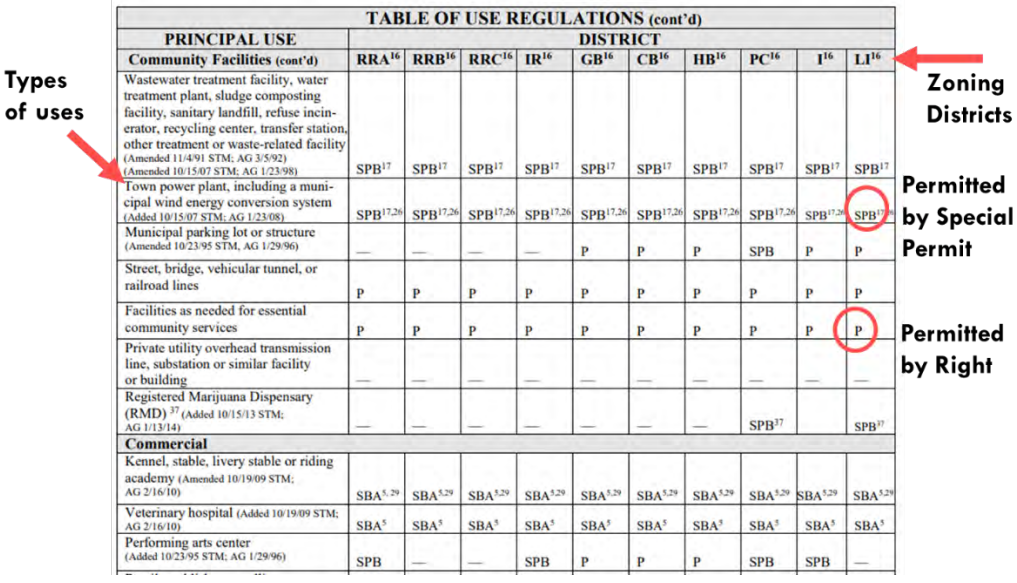


TABLE OF USE REGULATIONS (cont'd)

PRINCIPAL USE	DISTRICT									
Community Facilities (cont'd)	RRA[16]	RRB[16]	RRC[16]	IR[16]	GB[16]	CB[16]	HB[16]	PC[16]	I[16]	LI[16]
Wastewater treatment facility, water treatment plant, sludge composting facility, sanitary landfill, refuse incinerator, recycling center, transfer station, other treatment or waste-related facility (Amended 11/4/91 STM; AG 3/5/92) (Amended 10/15/07 STM; AG 1/23/98)	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]	SPB[17]
Town power plant, including a municipal wind energy conversion system (Added 10/15/07 STM; AG 1/23/08)	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]	SPB[17,26]
Municipal parking lot or structure (Amended 10/23/95 STM, AG 1/29/96)	—	—	—	—	P	P	P	SPB	P	P
Street, bridge, vehicular tunnel, or railroad lines	P	P	P	P	P	P	P	P	P	P
Facilities as needed for essential community services	P	P	P	P	P	P	P	P	P	P
Private utility overhead transmission line, substation or similar facility or building	—	—	—	—	—	—	—	—	—	—
Registered Marijuana Dispensary (RMD) [37] (Added 10/15/13 STM; AG 1/13/14)	—	—	—	—	—	—	—	SPB[37]		SPB[37]
Commercial										
Kennel, stable, livery stable or riding academy (Amended 10/19/09 STM; AG 2/16/10)	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]	SBA[5,29]
Veterinary hospital (Added 10/19/09 STM; AG 2/16/10)	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]	SBA[5]
Performing arts center (Added 10/23/95 STM; AG 1/29/96)	SPB	—	—	SPB	P	P	P	SPB	SPB	—

The primary land use in Essex is residential. Approximately 80% of Essex's housing stock is single-family homes and based on locally reported data, no multifamily units have been permitted since 2006. The challenge of creating a variety of housing options in town is due to land-use regulations that limit what type of housing can be developed among other constraints, such as natural features, sewer capacity, and development costs.

Density/Intensity and Dimensional Standards

Section 6-3.2.1 sets out all dimensional requirements in the form of a chart organized by use and includes six footnotes that either explain or provide exceptions to the Table of Dimensional Requirements. In addition to minimum lot area requirements, Essex regulates lot frontage, lot width, lot depth, front, side, and rear yards, building height and lot coverage. For most land uses, the maximum building height is 35 feet and 2 ½ stories however, new mixed-use development in the Downtown Zoning District can be as tall as 40 feet with a special permit from the Planning Board.

Under current zoning, density is limited to a minimum lot area of 40,000 square feet or approximately one dwelling unit per acre. For land on streets in existence on or before June 7, 1972, lots must comply with a minimum 30,000 square feet lot size. The minimum lot area per dwelling unit encourages low density development and may be a deterrent to multifamily and mixed-use development. The Minimum Lot Size for residential uses ranges from 40,000 to 90,000 square feet. The minimum lot size requirement for single- and two-family homes is 40,000 square feet with a minimum frontage requirement of 150 feet. Minimum yard setbacks include a 25-foot front yard setback, 20-foot side yard, and 30-foot rear yard setback. The building height is set at a maximum of 35 feet or 2 ½ stories. Larger lot sizes are required for multi-family buildings, with three-unit buildings requiring a 60,000-square foot minimum lot size and four or more-unit buildings requiring a minimum lot size of 90,000-square feet. The minimum frontage requirement for multi-family buildings is 300 feet and the minimum setbacks for front, side, and rear yards is 100 feet. The building height is set at a maximum of 35 feet or 2 ½ stories.

The dimensional standards, much like use regulations, are scattered throughout the bylaw, in Sections 6-3.2.1, 6-11.6.E, 6-12.6.E, and 6-15.5, making it difficult to navigate and determine appropriate standards. Dimensional requirements for the Downtown and the Central and South Conomo Point districts are listed in separate sections of the zoning bylaw which makes it difficult for readers to determine how dimensional regulations in these zoning districts relate to other areas of town. It is also unclear which provisions apply and do not apply when reviewing development in the Downtown and Conomo Point districts. Consolidating the standards into one table that is organized by zoning district could make bylaw interpretation easier and minimize conflicting regulations.

Parking

Section 6-6.1of the bylaw deals with the regulation of off-street parking facilities. The existing zoning bylaw currently requires a minimum number of parking spaces for listed uses (Section 6-6.1.1). In addition, the bylaw establishes parking ratios for individual districts (such as Essex Downtown Zoning District) and uses regulated by Section 6-5.11 (Home Occupations). The required spaces are tied to dwelling units, gross square footage, employees, building occupancy, or other variables, with minimal requirements for modified parking standards.

In 2016, the Town conducted a parking management study for downtown focused on unlocking potential for local development, enhancing visitor access, and better accommodating parking needs of both residents and visitors. The parking study was multimodal in nature and offered recommendations for both vehicle parking management and other transportation modes. The study found that there are approximately 840 existing parking spaces, but only 11% (90) of spaces are on-street. The majority of off-street parking (84% or 750 spaces) are privately owned and restricted to specific user groups. Study

recommendations address how to maximize existing parking resources through formalizing on-street parking, increasing the efficiency of off-street public parking, and incorporating use time-limits and clear signage to regulate parking. Recommendations also encouraged shared parking agreements and opportunities for better management, such as valet parking and loading. Lastly, recommendations supported improving the downtown experience through improved signage and new safety improvements like adding crosswalks, filling sidewalk gaps, and minimizing curb cuts.

Additional best practices related to parking requirements generally include explicit provisions and guidance on modifying a development's required parking. For example, many communities allow for shared parking mechanisms to reduce the amount of parking required. The Town may also want to consider establishing maximum parking requirements. This could help reduce instances where developments are "overparked". The Town may also wish to include requirements for loading to ensure that loading activities, where practicable, take place in appropriate locations away from public rights-of-way. In addition, some communities tie the location and size of parking areas to landscaping or shading requirements. The Town may wish to develop landscape standards to help buffer and screen parking lots. Table 6-6.1.1 does not correlate with the list of principal uses and many of the uses are not defined. Updating the parking section to be consistent with use categories used in the Table of Permitted Uses would ease administering the bylaw. Adding illustrations and diagrams would be helpful and illustrative for readers.

Landscaping/Buffers

Most modern zoning bylaws have landscaping and screening standards. Buffer and landscaping requirements help mitigate environmental site conditions, minimize conflicts between incompatible uses (especially important given the general zoning scheme used by Essex), and soften the visual impacts of parking areas and intensive uses. Landscaping standards and requirements are mentioned in various locations throughout the bylaw. The primary locations are Section 6-3.5.3.g – Screening and Section 6-5.6 – Screening of Open Uses. The language in these sections is fairly vague and appears to leave a lot up to the Planning Board's discretion. In general, the Town's regulations require:

- Screening consisting of a solid fence, wall or evergreen planting, in all cases not less than six (6) feet in height or as specified by the Planning Board, to shield Business and Industrial uses for any residential property.
- Screening of open uses such as vehicle and machinery storage yards by means of a sightly fence, or densely planted screen of evergreen shrubs or trees at least six feet in height.

The Town may wish to develop more specific landscaping and screening requirements, especially for parking lots, to soften development edges, create shade, and reduce the amount of impervious area. Low impact design (LID) is a site design technique by which stormwater is handled close to the source creating opportunities for infiltration and reducing stormwater impacts on streams and adjacent properties.

Signs

Section 6-7 of the bylaw provides regulations for signs in Essex. This section includes definitions and regulations for the number and size of both permanent and temporary signs. The existing bylaw could be significantly improved by adding a definition section with graphic illustrations for each signage type (i.e., awning sign, banner sign, wall sign, free-standing sign, sandwich sign, etc.). The Town should also consider adding a table to this section that lists the different sign types and dimensional requirements. The new signs table could also indicate if a permit is required and list the permit granting agency. If new zoning districts are established, this section of the bylaw may require additional revising and updating to reflect the new district designations.

Special Provisions

Over time, zoning bylaws expand to include special provisions that address unique local land development needs and achieve long-range land use goals. In Essex, special provisions include allowing Open Space Residential District developments (also known as conservation subdivisions) and allowing home occupations.

Open Space Residential District

An Open Space Residential Development (OSRD) bylaw is an important zoning tool communities can use to help preserve land and reduce sprawl. Essex has an OSRD bylaw; however, like many communities that have adopted OSRD, some of the provisions are no longer considered best practices and may hinder future development. To date, no applications have been made under the OSRD bylaw. Essex has had very few conventional subdivision applications as well. Those that have been created have consisted of less than ten lots. The lack of OSRD applications could be a result of limited development activity or environmentally constrained parcels. Potentially, there are provisions within the OSRD bylaw that make the option less appealing to landowners. The bylaw could be updated to both be more attractive and more workable, should property owners decide to pursue creating new subdivisions in the future.

The primary purposes for Essex's OSRD are the following:

a. Allow for greater flexibility and creativity in the design of residential developments;
b. Encourage the permanent preservation of open space, agricultural land, woodland, wildlife and rare species habitat, other natural resources and features, including aquifers, water bodies, and wetlands, recreational, historical and archeological resources, in a manner that is consistent with all current plans adopted by the Town of Essex, including such plans as the Town of Essex Community Development Plan; Town of Essex Watershed Protection Plan and Town of Essex Open Space and Recreation Plan;
c. Encourage a less sprawling, more efficient and compact form of development that disturbs less open land and natural materials and conforms to existing topography and natural features better than a conventional or grid subdivision;
d. Minimize the total amount of disturbance on the site;
e. Further the goals and policies of the all current plans adopted by the Town of Essex, including such plans as Town of Essex Community Development Plan, Town of Essex Watershed Protection Plan and Town of Essex Open Space and Recreation Plan; as amended from time to time;
f. Facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economic and efficient manner, that are in harmony with the architectural heritage of the Town of Essex; and
g. Promote affordable housing and a more diversified housing stock.

The OSRD bylaw requires a minimum parcel size of five acres and applications are only approved by Special Permit. The bylaw does allow for an optional density bonus, which may provide an incentive for a developer to undertake an OSRD, but apparently not enough to overcome the requirement for a Special Permit. Since the time when Essex adopted this bylaw, OSRD best practices have evolved. There are multiple ways to update the OSRD – in this case MAPC is providing recommendations that work within the existing bylaw. One area of consideration is altering the minimum parcel size, which at five acres, could exclude opportunities to preserve land in smaller areas. In addition, because it requires a Special Permit, the regulations are more burdensome than a conventional subdivision plan. The OSRD could instead be by-right with Site Plan Review, and in fact, the best practice is to allow it by-right but require a Special Permit for a conventional subdivision.

The Town could allow for the "basic" OSRD to be by-right and require a Special Permit if an applicant wishes to develop with a density bonus. Note that any changes to OSRD could also be achieved by a simple majority Town Meeting vote pursuant to the newly adopted Housing Choice law.

Home Occupations

Home occupations can provide numerous benefits for both home-based workers and the Town. Pursuant to Section 6-5.11 of the zoning bylaw, home occupations are permitted to operate as of right from a residential dwelling or an accessory building in all areas of Town. According to the bylaw, a home occupation is any commercial activity conducted as an accessory use, in any dwelling unit which is the residence of the practitioner of the commercial activity, or in any accessory building to that residence., regulated under 6-5.11. Under Section 6-5.11 of the bylaw the following conditions are imposed to ensure that the home occupation does not create a nuisance or alter the residential appearance of the neighborhood:

a. Not more than two persons who do not reside in the dwelling unit shall be engaged in such occupation.
b. There shall be no change in the outside appearance of the building or premises, except as provided by paragraph d below, or other visible conduct of such home occupation other than one sign as permitted accessory use.
c. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in the immediate neighborhood. The determination of such a situation shall be decided by the enforcement officer, and any need for parking generated by conduct of such occupation shall be met off the street and other than in a front yard.
d. All home businesses and occupations conducted on residential property including storage and display shall be conducted in an enclosed building, except for the display and sale of shellfish, garden or poultry produce, or small homemade handcrafted items.
e. Not more than two (2) vehicles requiring registration as taxis, buses, or commercial vehicles shall be regularly parked outdoors on the premises.
f. No commercial vehicle with registered gross weights in excess of 17,000 lbs. shall be regularly parked outdoors on the premises.
g. No more than three parking spaces, in addition to those required for residential use are allowed for the home occupation.
h. No equipment or process shall be used which creates offensive light, noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.
i. No equipment or process shall be used which creates interference in household devices off the premises.

Based on conversations with Town officials, Essex does not permit or track home occupations. Residents simply start them and may or may not be aware of these regulations and standards. This results in the Town not having an understanding of the extent of home occupations, and there is a missed opportunity to earn revenue for the Town from these businesses (home occupations are not taxed as a business currently). Home occupations came up often during interviews, focus groups, and the survey. It is clear from public comments that people are concerned about the adverse effects (traffic, signage, noise, pollution) of home-based business uses. Despite having regulations in place that attempt to protect the residential character while still allowing home businesses, several resident comments throughout this planning process highlighted a need for better enforcement.

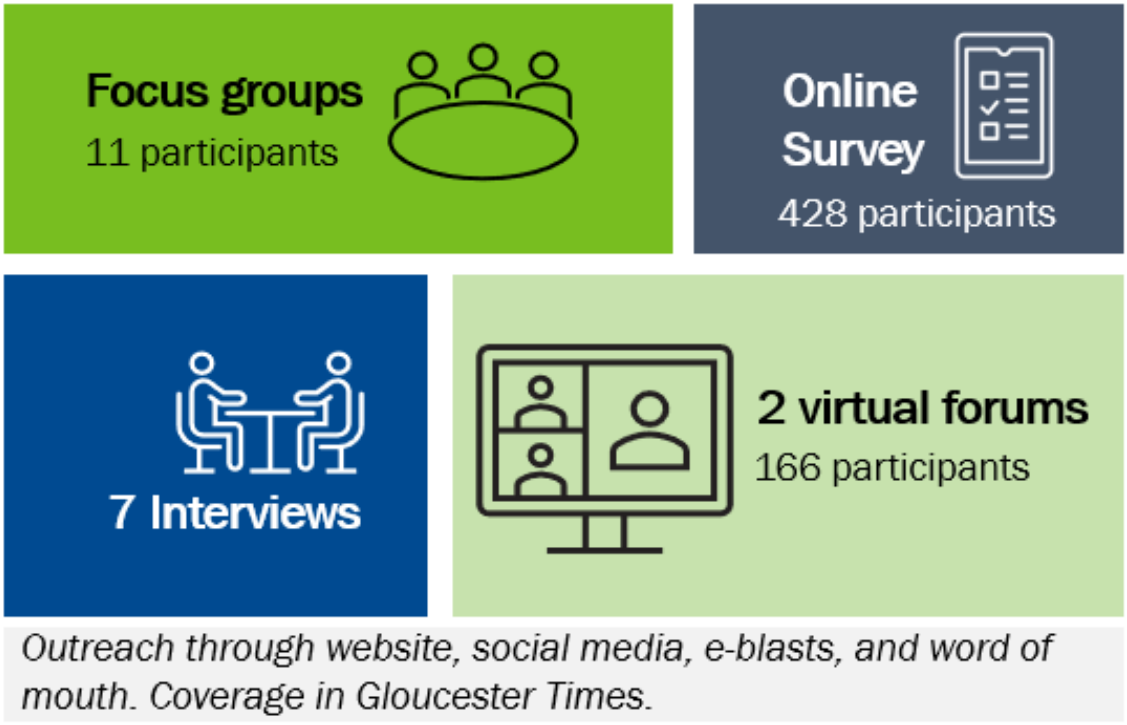
Bylaw Usability

The final component of the zoning audit takes into account the overall form and function of the bylaw. The Essex bylaw, like many zoning regulations, has been amended over time. Similar regulations are

scattered throughout as new zoning districts have been created. Definitions have become outdated as changes have been made, and in some cases, regulations are hidden in definitions. Additionally, there are terms that should be defined but do not exist. There are few graphics and illustrations that help describe requirements. Current and former town officials noted how confusing it is to read and understand the bylaw, as some sections are lacking process information or clarifying text that connect newer provisions (e.g., the Downtown zoning district or Conomo Point districts) to existing regulations, like dimensional standards or use regulations.

Community Engagement

To understand how Essex's zoning bylaw is currently working and where there are areas for improvement, MAPC engaged with residents, business owners, and Town leaders in a variety of ways, including one-on-one interviews, focus groups, and community forums. A town-wide survey was also conducted.



Interviews and Focus Groups

Early in the process, the Planning Board curated a list of individuals who have either had extensive experience administering or working with the zoning bylaw or serve in capacities (e.g., Conservation Commission board member, Economic Development Committee board member, etc.) that are impacted by how development occurs in the Town. MAPC interviewed the following individuals to gain a better understanding of how the zoning bylaw works and where improvements can be made.

- Dana Menon, Town Planner
- Bill Sanborn, Town Building Inspector
- Amy Kwesell, Town Counsel on land use issues
- Michael Burke, Chair of Strategic Planning Committee and Conservation Commission
- Jodi Harris, Chair of Economic Development Committee
- Andrew St. John, former Planning Board member

- John Guerin, former Board of Selectmen member

Two focus groups were held in January 2022 to get a better sense for the public's perception of the zoning bylaw, including its overall effectiveness and how it is administered and enforced. A total of eleven people participated in the two focus groups.

Key takeaways from the interviews and focus groups:

- Many people are **excited for the possibility of zoning reform** and see this effort as a hopeful endeavor. Many people mentioned how zoning issues in the past have pitted business owners against residents. Participants hope this process can build community relationships.
- The current zoning bylaw is administered with a **"laissez-faire" approach**, where property owners feel they have much flexibility when it comes to developing their land. This has been valued by Town residents, but in recent years, opinions have shifted as residents have seen businesses open in areas that they would like to see preserved or solely in residential use. An example given by one participant is the proliferation of businesses along John Wise Avenue.

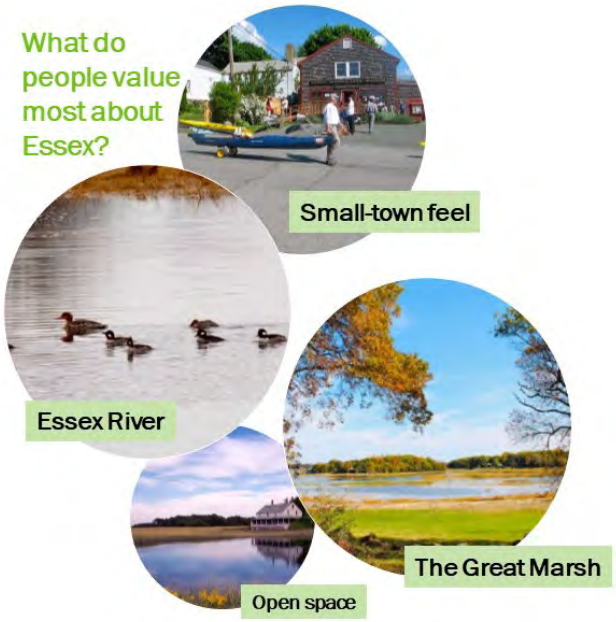


Photo credit: Arlene Taliadoros

- The **lack of regulations around where different uses can be sited is problematic** for participants. Because zoning is not governed by use, one participant felt the bylaw is not serving in the best interest of residents. Essex's lack traditional zoning means that there are no solely residential areas. Residents worry that abutting properties could be converted into non-residential uses at any time.
- The existing bylaw is **hard to interpret**. It could benefit from a better layout, clearer wording, and inclusion of more graphics and examples to help explain requirements. For example, it is unclear when a home occupation becomes a commercial business, especially when they are not tracked and existing requirements for them are rarely enforced. One participant noted that the bylaw would be easier to enforce with better definitions and cited the ambiguity between Industrial Class A and Industrial Class B uses as an example.
- **Involvement of the community in planning decisions is lacking.** One participant noted that the Town does not do a great job at notifying the public of zoning changes or applications. Abutters or surrounding property owners are often not notified correctly.
- **Enforcement** of existing regulations was frequently mentioned during both interviews and focus groups. A town official noted that there has been an increase in the number of complaints on neighboring uses. One resident participant noted, "You don't break the law; you change the law" in response to property owners who are knowingly out of compliance with zoning regulations. Specific examples of noncompliance include breaches to height requirements, ignored conditions of approval for special permits, storage of inoperative vehicles, and illegal outdoor displays. Another participant noted that home occupation regulations are not enforced, and they often become the principal use on properties that should be residential. Lastly, some participants noted that enforcement seems "selective, based on who you know on the Planning Board [or other Town boards and committees]."

- The Town's **lack of staff capacity** – with a part-time planner and a Building Inspector that only works five hours a week – results in administrative and enforcement issues. One participant noted that the permitting process takes more time because applicants struggle to connect with staff when they work such limited hours; however, they also noted that the Town's website is useful in providing information. Others said that applications are unclear and confusing, and additional resources or guidance would be helpful. Regarding staff capacity, a Town board volunteer noted that it is challenging to fill part-time positions – most people need to work more than five hours a week.
- Nearly all participants **support creating new zoning districts** to direct where commercial and industrial growth should go. Participants see zoning districts, especially creating one that is solely for residential uses, as a way to protect property values and maintain residential character. Participants want to see residential densities largely remain as they are today but agree that the Town's Open Space Residential Development bylaw, if improved and used, could help development occur in a more sustainable way.
    - When asked about the character of commercial areas, a few participants noted that they would like to see barn-like architecture or other rural design elements. One participant noted that Essex needs to make room for commercial uses, specifically small businesses with 10-15 employees.
    - Many participants recognize that Essex needs economic development to expand the Town's tax base and provide jobs for Town residents. They noted that designating strategic areas for economic growth can support the Town in economic development efforts.
- When asked **where commercial and/or industrial uses may be appropriate**, participants noted that residential streets and scenic roads that are narrow and lack sufficient capacity for commercial traffic should be limited to residential development. Many believed that businesses are most appropriate downtown or in existing nodes of commercial activity. Many participants also noted that they would like to have more neighborhood services, like a grocery store or pharmacy, in Essex.
- Participants noted the need for **clearer zoning requirements** so that there is more predictability about the types of uses that could occur in certain areas and how they will look once built. Participants also noted that the bylaw is too generic and should be better attuned to the uniqueness of Essex. Many like that the Planning Board has some oversight on land use changes, whether it is through the site plan review process or special permit process.
- Many people want to see **additional development requirements** such as increased buffers when abutting residential neighbors or waterways, limits on outdoor storage areas, parking lot design standards, limits on noise and lighting, and architectural guidelines that are rural in character. Requirements along scenic roads, like Route 133, Route 22, and Southern Ave, are desired to protect viewsheds and rural landscapes. Specific examples were given of commercial uses that have outdoor storage in front yards that diminish the scenic quality as you drive down these routes. Interest in better understanding how Essex could create historic districts was also mentioned.
- **Climate change and rising sea levels are a significant concern**. Participants want to see zoning promote more sustainable and resilient development. One participant mentioned that renewable energy infrastructure (e.g., solar installations, charging stations for electric vehicles, etc.) should be allowed, with special consideration of how this infrastructure interacts with safety requirements under the Town's building code. Green infrastructure and incentives for low-impact development practices should also be encouraged.

- Some participants noted the need for **more affordable housing**. One participant would like to see inclusionary zoning for multi-family developments. Participants are also interested in how deed-restricted affordable housing can be done in ways that better fit into the community. Recent developments in adjacent communities would rather not be emulated. One participant also noted the need for expanding housing options for seniors specifically.
- Essex has attracted interest from property owners wanting to host **special events**, like weddings or other large gatherings, especially on parcels with water or marsh views. Some of these special event venues have been permitted and resulted in noise complaints and traffic issues. Many participants noted that sound carries differently across the Great Marsh, and this should be taken into consideration as uses are approved on waterfront parcels.
- **Updating the zoning will be challenging**, as Essex residents have historically not supported major zoning reform efforts. Change is viewed with great distrust, and the Town officials will need to work with residents to instill confidence. One participant noted zoning changes should be for the "greater good." Feedback supported extensive community engagement as bylaw amendments are developed, especially when it comes to determining the appropriate areas for commercial or industrial zoning. One participant noted that Town boards and committees need to get better at "selling their own wares." Outreach and education about the benefits of zoning ahead of Town Meeting will be critical.

Community Forums

Two community forums were held via Zoom to gather input on how the existing bylaw is working for residents, and what residents would like to see included in future amendments. The first forum was held on February 15, 2022, and 73 people participated. The forum introduced the zoning bylaw review project, provided an overview on what zoning is and how it is used in other communities, and shared what is currently allowed in the Essex Zoning Bylaw. The two primary options for zoning reform – creation of new zoning districts or refinement of existing regulations – were introduced to participants. The forum ended with five small group discussions, where residents could share their feelings on creating new zoning districts or keeping the "general" zoning that allows uses anywhere but with additional development requirements. Themes from the small group discussions are below. The forum was recorded and made available for residents who could not attend in person.

Themes from February 15 Small Group Discussions

- The majority of participants were in favor of creating zoning districts, with many seeing it as a way to preserve the uniqueness of Essex, scenic byways, and values of individual properties. Several ideas were given about how zoning reform could be done:
    - Create overlay zoning districts
    - Scale districts based on the continuum of uses, based on level of intensity
    - Make sure zoning is proactive, not reactive
    - Create commercial districts along streets that have capacity for increased traffic
    - Allow existing uses to continue
    - Expand the Special Permit process if a certain number of parking spots is required
    - Remove the unpredictability that exists in the current bylaw
- Some residents noted specific projects that had been permitted in Town that they viewed as problematic. They noted that better zoning could have helped these projects develop in more appropriate locations.
- A few participants had questions about why the Town was looking at zoning reform at this time. Some noted that Essex has historically been resistant to creating zoning districts.
- Two participants noted that the existing bylaw works and would prefer minimal changes.

- One participant noted that Essex needs more diversity of housing options and that the Town should consider doing a housing plan.

One participant noted their involvement in open space preservation and how they hope that zoning can continue to preserve natural resources.

March 23 Community Forum

The second forum was held on March 23, 2022, and 93 people attended. This forum focused on sharing survey findings, draft zoning recommendations, and project next steps. The Board of Selectmen also shared information about the new requirements of Section 3A of the Zoning Act (*see more information about this requirement in Recommendation #3*). During the second virtual forum, attendees answered poll questions to provide specific information throughout the event. Note: some attendees joined via cell phone and were unable to participate in the Zoom polls. The first poll asked about participants' familiarity and involvement with the project (see **Figure 5**). 32 attendees both participated in the February forum and took the zoning survey. 19 attendees took the zoning survey. Overall, this shows sustained interest and engagement in the project, with residents continuing to participate at various points in the project.

Following the presentation of draft zoning recommendations, a second poll was launched to gauge initial reactions (see **Figure 6**). 38 attendees said the draft recommendations were "close" or "very close". Nine people felt neutral about the recommendations. Four people said the recommendations were "not close," while one person said they were "way off."

Figure 5: Did you attend the February 15 forum and/or take the zoning survey?

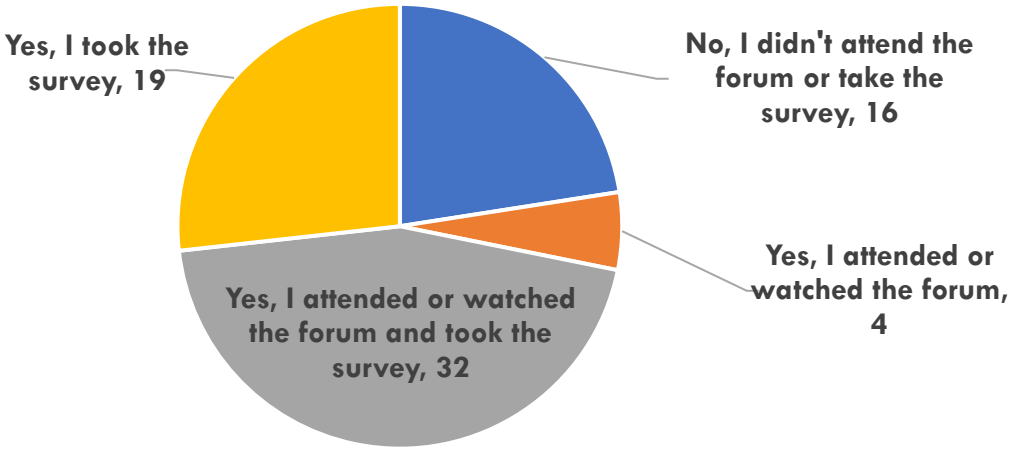
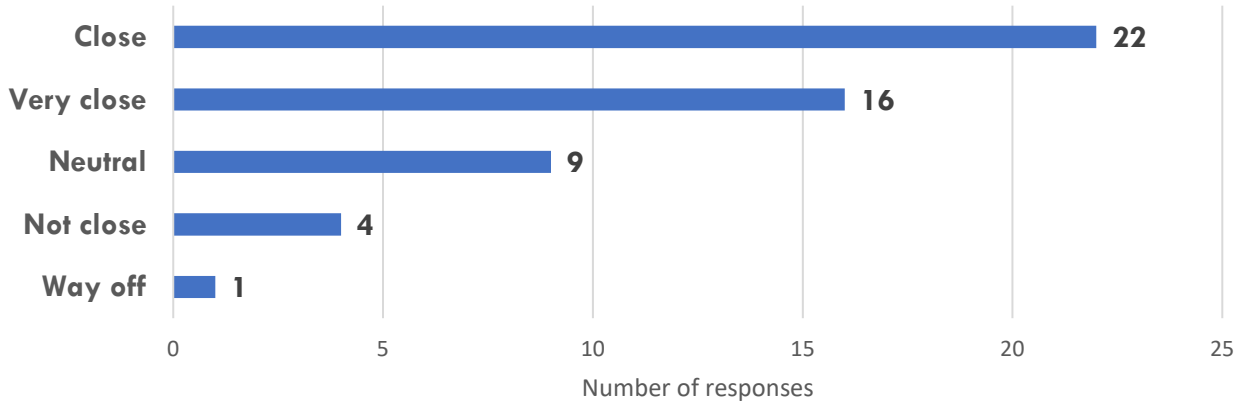
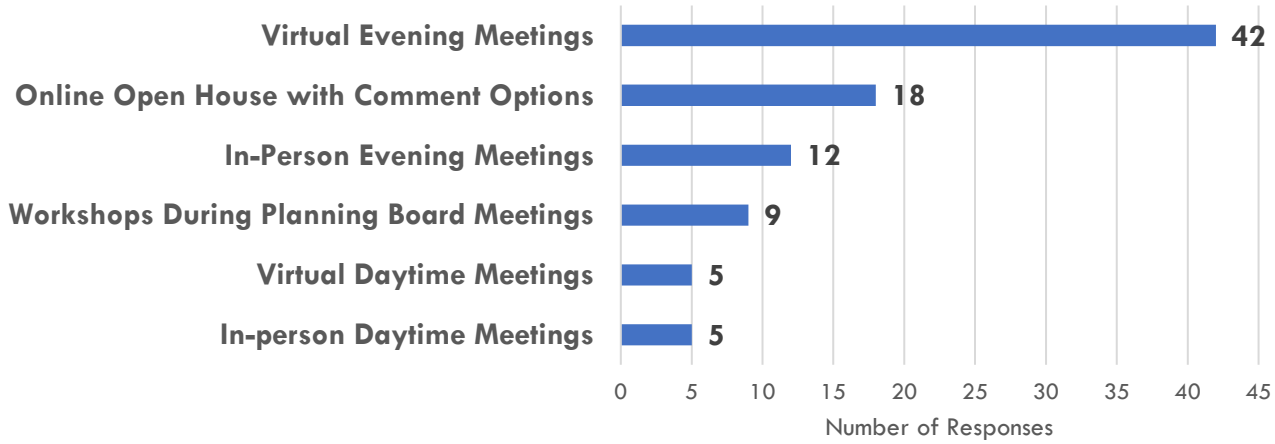


Figure 6: Are these recommendations on the right track?



At the end of the forum, attendees were reminded that zoning bylaw amendments will be happening as part of the project's Phase II. Attendees were asked how they wanted to stay involved in Phase II (see **Figure 7**). The majority (42) of those answering the question said they preferred to attend virtual evening meetings to discuss Town zoning business. 18 people would like to attend an online open house that would be available anytime, with the ability to provide comments and answer specific questions related to zoning reform. A smaller share (12) of people preferred in-person evening meetings.

Figure 7: How do you want to stay involved in Phase II?



Town-wide Survey Results

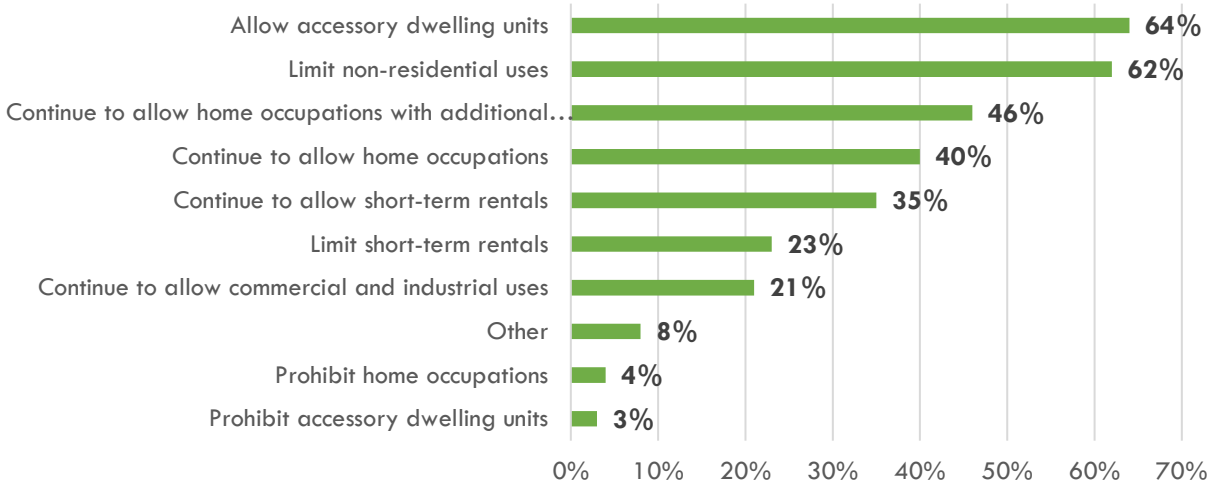
A town-wide survey was released at the end of the February 15 community forum. Ideally, survey participants attended the forum or watched the meeting recording so they had more familiarity with zoning and the Essex Zoning Bylaw. The survey was open from February 15 to March 1. Questions focused on gauging public opinion about land use types, desired look and feel of residential areas, and support for zoning reform options (create new zoning districts or refine existing zoning but retain general zoning district where all uses are allowed everywhere). 428 people responded to the survey. Key takeaways are included below.

Role of zoning and growth management. When asked what the most important land use challenges facing Essex are, 90% of respondents said "managing growth in an appropriate and sustainable manner" was important or most important. 81% said "incompatible uses locating next to each

other" was important or most important. 57% of respondents want the Town to tighten zoning regulations. A quarter of respondents want to see the existing zoning bylaw better enforced.

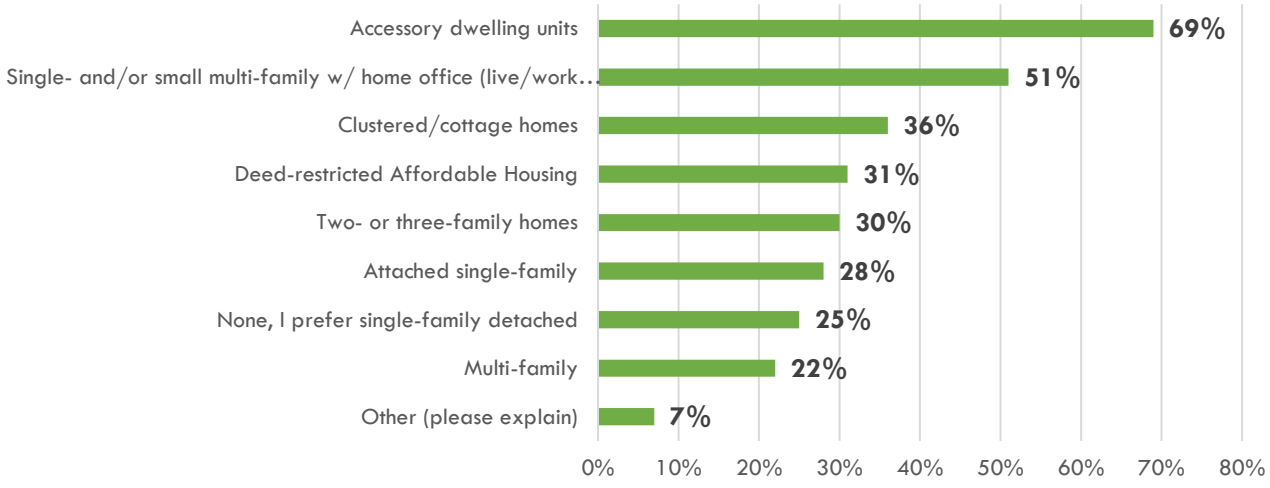
Residential areas. Respondents were asked what they would change about residential areas in Essex (see **Figure 8**). 64% of respondents said they want accessory dwelling units to be allowed. 62% of respondents want non-residential uses limited. The majority of respondents want to see home occupations continue to be allowed – some (46%) would like to see additional regulations added. The survey asked some specific questions about home occupations, as these were often discussed during interviews and focus groups. About 36% of respondents see no issues with the current regulations, while 21% think the current regulations could be better enforced. About a third of respondents (31%) would like to see more regulations to address impacts such as noise, parking, outdoor storage, traffic from deliveries, pollution, and limits on numbers of employees.

Figure 8: Is there anything you would change about residential areas in Town?



The survey asked about what other types of housing types are desired in Essex's neighborhoods. **Figure 9** shows the results. Again, accessory dwelling units are a popular response, with 69% of respondents wanting these in residential areas. About half of respondents (51%) want to see live/work space in either single-family homes or small-scale multi-family. Just over a third (36%) of residents want to see clustered or cottage home communities.

Figure 9: What other housing types would you like to see?





Images of different housing types were shown as residents responded to survey questions to differentiate between housing types.

Respondents were asked, "Where would you like to see other housing options?" Some responses are included below.

"It depends on where they will be allowed. I prefer to keep the character of some neighborhoods. clusters may be better in some cases when saving open space around. size and placing of accessory important."

"Depends on where located. If neighborhood character is high density (downtown) makes sense to permit 2-3 family and mixed-use housing there. If more rural, would not like to see that. Maintaining agricultural uses is very important."

On Housing Affordability

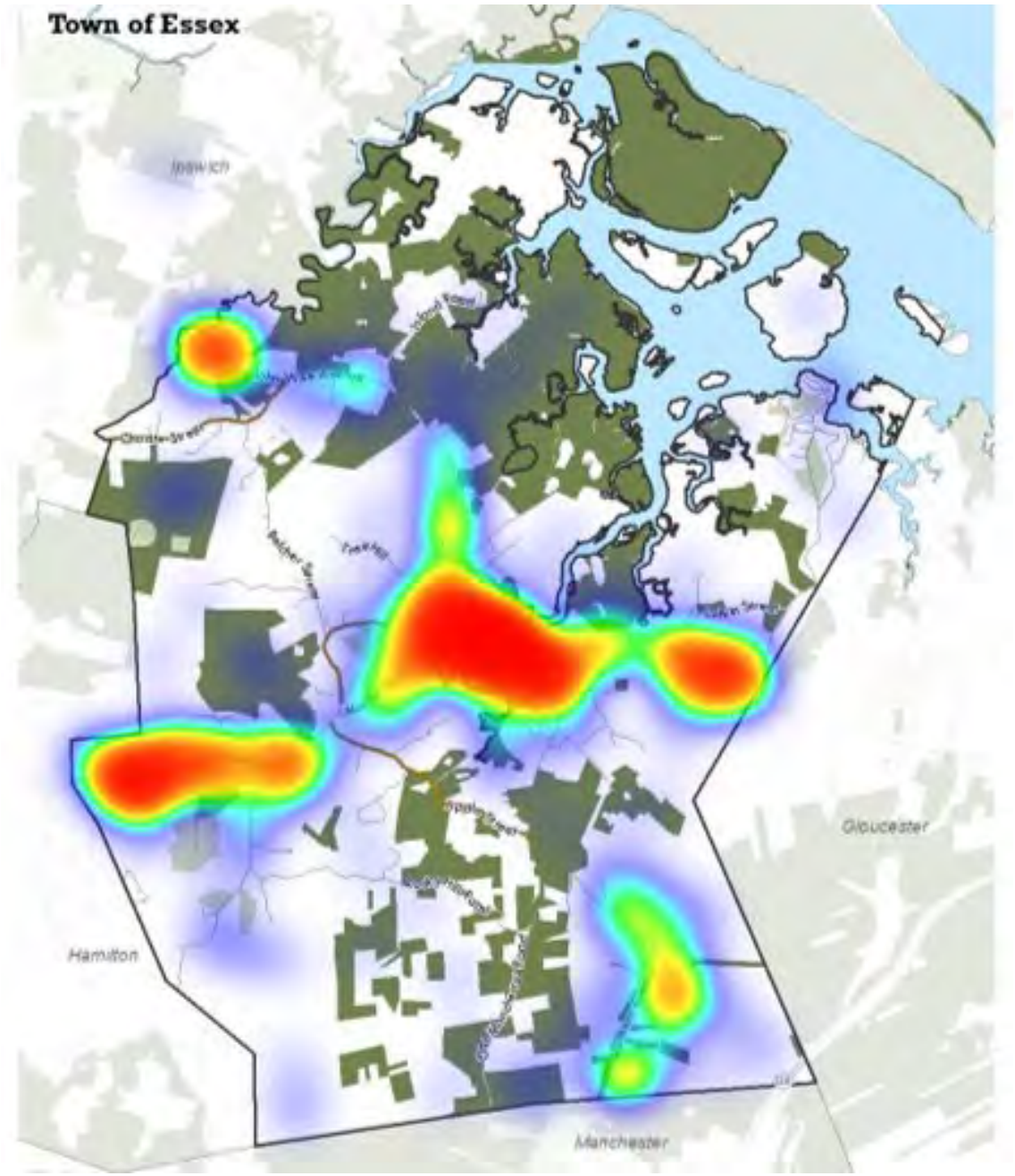
"We need to step up and create state-defined affordable housing units."

"Proactively court more affordable housing or someone will build it for un under Ch. 40B"

"Over 55 townhouse 40B development"

Establishing new zoning districts for commercial and industrial uses. 75% of respondents would like to see Essex designate specific areas for commercial uses. **Figure 10** shows a heat map of locations where residents think commercial uses are more appropriate. Red areas demonstrate higher concentrations of location clicks – locations near downtown, along Eastern Ave towards Gloucester, and along Western Ave approaching Hamilton.

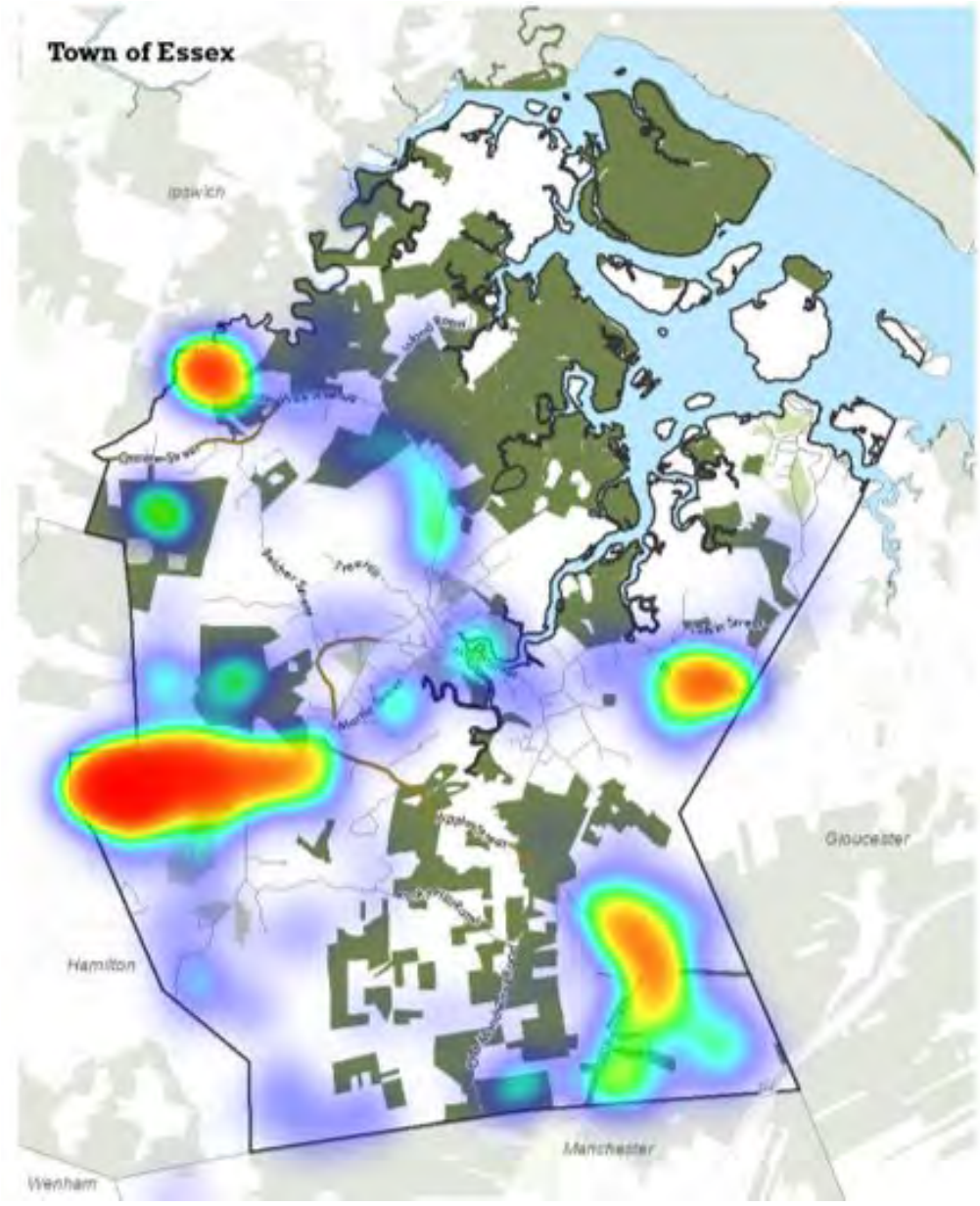
Figure 10: Heat Map – Where should commercial uses go?



Of those people who would not like the Town to establish commercial zoning districts, some believe it will attract commercial growth that is either not necessary or will diminish the small-town feel. Others like that commercial uses are allowed everywhere and think this should continue, perhaps with some additional development regulations.

Nearly the same share of people (74%) would like to see Essex designate where industrial land uses are appropriate. Similarly, the heat map tool was used to understand where industrial uses could go. **Figure 11** shows that there were far fewer locations designated as compatible with industrial uses. Respondents largely selected the area along Western Ave near Hamilton, where there is already a cluster of more intense commercial and light industrial businesses.

Figure 11: Heat Map – Where should industrial uses go?



Of those who do not want the Town to create an industrial zoning district, many stated that they would prefer to not have industrial land uses allowed anywhere in Essex, with one person stating, ""The character of this town is rural, scenic and quiet; industrial business tend not to be." Others were concerned with potential negative impacts from more intense industrial activities, stating, "They interfere with the small town/rural nature of the town -- loud, threatening to the environment, too apt to encroach on neighboring residential areas."

The survey asked about land uses that residents would like to see restricted, and among the many written comments provided, several mentioned impacts that could be addressed through expanded development standards (or enforcement of existing standards). These impacts included noise, lighting pollution, traffic impacts, limited hours of operation, building size and design, parking design, outdoor storage, and buffers.

Assessing Zoning Options. The survey outlined the two primary options for resolving zoning issues. Essex could address incompatible uses by creating additional zoning districts that allow specific uses (traditional, Euclidean zoning) or the Town could continue to allow all land uses throughout Town but require more uses to be subject to Special Permit review and approval. Respondents were asked how they feel about these two primary options. 66% of respondents were supportive or very supportive of establishing new zoning districts with more use regulations. 33% of respondents favored the alternative option. With either option, the Town could expand the Special Permit approval process to ensure development is compatible with surroundings and impacts are mitigated. 72% of respondents would like to see Special Permits applied to more non-residential development. Of the 28% who do not favor expanding the Special Permit process, many felt that the process was too subjective and at the whim of changing elected officials. One person noted they "would prefer to see land uses regulated by zoning districts, it is more predictable and fairer, less discretion."

Environmental Protections. Lastly, the survey asked about how Essex could better protect the environment as growth and development occurs. 72% of respondents said they would like Essex to pursue creating a wetlands bylaw. 64% support more resilient development practices.

Appendix B further summarizes the survey findings, and **Appendix C** includes all survey responses.

Zoning Recommendations

The zoning audit findings, along with a review of existing conditions, previous planning efforts, and public feedback, have informed the following recommendations.

Recommendation 1

Establish zoning districts and use table organized by zoning district and address nonconforming uses that may result from rezoning.

As noted in the zoning audit, Essex lacks zoning districts for 98% of the town's land area. This means that residential, business, and industrial uses can occur haphazardly with little regulatory oversight. Feedback received in focus groups, interviews, the community forum, and survey expressed how the lack of zoning controls has resulted in incompatible abutting uses, degradation of scenic landscapes, and pressure on natural resources. Most residents engaged in this project strongly support the establishment of new zoning districts, in addition to the Downtown, Southern Conomo Point, and Central Conomo Point districts. Zoning districts will allow the Town to specifically delineate land area for different uses with uniform regulations and requirements that better govern the use of land and the placement, spacing, and size of buildings. Essex could consider creating the following zoning districts, which could incorporate aspects of both traditional use-based or Euclidean zoning and form-based codes:

- **Residential/agricultural district.** This district could allow residential and agricultural uses, accessory dwelling units, accessory structures such as barns, garages, etc., home occupations, and appropriate neighborhood commercial uses. Survey findings support continued flexibility for traditional rural land uses, which could be supported by allowing these activities to occur, especially on larger lots. It is important to note that the Town received a petition in 2008 to establish an agricultural/residential district in a northern portion of Essex, along John Wise Avenue. This proposal promoted agricultural uses as defined under MGL 128 Section 1A. This could help guide how Essex's zoning bylaw can better define and allow agricultural activities. Residential uses could allow for more flexible housing types in scale with the existing lower density residential areas.
- **Neighborhood business district.** Public feedback supports the development of neighborhood-oriented commercial uses that are smaller in scale and result in fewer neighborhood impacts like traffic or noise. Commercial uses would ideally be developed using low-impact design best practices to minimize environmental impacts. Some commercial uses would be allowed as-of-right with Site Plan Review approval, while some may require a Special Permit.
- **Office/light industrial district.** Both the Essex Economic Development Plan and Essex five-year strategic plan call for creating zones for economic growth and opportunities to expand. Creating a zoning district, with a more specific and expanded list of allowable uses, could help attract economic growth that would provide local jobs with higher wages. This would benefit residents and the Town's small tax base. Development regulations for building size and design, parking, and landscaping could ensure new businesses are attractive and complement existing neighborhoods. Public comments noted a desire for smaller, locally owned businesses rather than "big box" stores or fast-food chain restaurants. It should be noted that that zoning cannot prohibit fast food chains. Development guidelines for maximum building size or drive-through windows could discourage these land uses. Performance standards for light industrial uses such as manufacturing or warehousing could ensure noise pollution, light pollution, or outdoor storage of waste or equipment does not become a neighborhood eyesore.

Along with new zoning districts, Essex should create a use table organized by zoning district that indicates whether uses are allowed by right, allowed with conditions, allowed by Special Permit, or prohibited. The use table would include the existing Downtown, Southern Conomo Point, and Central Conomo Point districts and clarify uses allowed in these established districts.

Working with the community

Creating new zoning districts will require significantly more engagement with the public. Holding additional community forums aimed at refining information that has already been gathered through past planning efforts and this project will form a foundation for this work. For example, the 2004 Community Development Plan included a community development plan map, where the Causeway area and Route 22 corridor were identified for some commercial growth, with controls. The zoning survey conducted as part of this project asked residents to identify spots on a heat map where commercial and industrial uses may be appropriate. The analysis of existing commercial and industrial uses can be helpful in identifying existing clusters that can be refined. If the Town could document home occupations that may be performing more as stand-alone businesses, this could augment the existing land use analysis. Taking this information to the public and working with residents to refine where commercial and light industrial uses may be appropriate could result in new zoning district boundaries.

Nonconforming uses

When discussing zoning reform with residents, many asked what would happen to existing businesses that may end up in a new residential zoning district that no longer allows all business and industrial uses. Businesses that are no longer permitted under new zoning regulations would be considered a "pre-existing nonconforming use." The zoning bylaw defines these as, "A structure or use lawfully in existence, lawfully begun, or a building permit having been applied for before the first notice of the public hearing on such ordinance or bylaw whose adoption has rendered the structure, use or permit nonconforming." Section 6.4 of the zoning bylaw details how nonconforming uses are regulated. Section 6-4.2 regulates "Existing" non-conforming uses while Section 6-4.3 regulates "Pre-existing" non-conforming uses. The bylaw does not clarify what the difference is between these two categories. Furthermore, the Planning Board has decision-making power over applications to extend or alter nonconforming uses or structures. If nonconforming structures are damaged, applicants have two years to apply to repair or rebuild. However, the Planning Board also has the discretion to expand the time period. Section 6-4.4 addresses abandonment of a nonconforming use, but it is unclear what defines as abandonment. As described below, this section should be reviewed in more detail to determine what, if any, changes are required to ensure that the revised zoning bylaw is consistent with statutory and case law.

Essex should consider updating Section 6.4 to more clearly distinguish between the two different types of nonconforming structures and uses in sections 6-4.2 and 6-4.3 if there is one and better align with G.L. c. 40A§6. An updated section could have separate sections that address ***legal*** non-conforming structures, uses, and lots, as each nonconformity may be dealt with differently (this is common in other communities). The section should also address self-created nonconformities.[3] The section could specify circumstances where the Building Inspector may allow certain modifications to a nonconforming single or two-family structure. Case law has provided some guidance for what constitutes substantial change of use that would require approval by the special permit granting authority.[4] Approval criteria could be included to help the Planning Board determine the impact of a change of use. Administratively, state law requires the permit granting authority to issue a "finding" that affirms approved changes, extensions, or alterations to nonconforming uses or structures are not substantially more detrimental than the existing nonconformity. The Planning Board should ensure findings are specific and include physical and factual determinations

3 *81 Spooner Road v. Zoning Board of Appeals of Brookline*, 78 Mass. App. Ct. 233 (2010) clarified that voluntary actions of the owner that render the property noncompliant deprive the property of the benefits of being legally nonconforming. (The Guidebook to Massachusetts Land Use – 2021, APA-Massachusetts Chapter)

4 *Powers v. Building Inspector of Barnstable*, 363 Mass. 648 (1973) established Change of Use "tests". *Cape Resort Hotels v. Alcoholic Licensing Board of Falmouth*, 385 Mass. 205 (1982) decided on the basis on business growth. *Derby Refining Co. v. City of Chelsea*, 407 Mass 703 (1990) ruled an applicant must demonstrate improvements are in line with the original nature and purpose of a use.

related to the use or structure itself. Findings may have conditions for approval. The zoning bylaw should be updated to reflect the process for reviewing applications and issuing findings. Lastly, abandonment should be better defined in Section 6-4.4. The courts have helped shape what constitutes abandonment and should be incorporated into the bylaw, including voluntary demolition of a structure or surrendering a business license.

Recommendation 2

Update use regulations, dimensional standards, and development standards

Section 6-3 is a "catch-all" section covering a broad array of topics, including development standards (such as setbacks, height, density, and other dimensional standards) and additional regulations for individual uses (Section 6-3.3). This section requires extensive revisions in order to improve the bylaw's overall usability.

Use Regulations

Section 6-3.1 should be revised and updated to reflect the types of land uses that should be allowed in Essex. The bylaw should include a table of allowed uses that shows which uses are allowed by-right, by-right with site plan approval, or by special permit. As described earlier in this document, modern zoning bylaws typically include a table of allowed uses, with rows representing land use categories and specific use types, and columns representing the zoning districts. This format allows quick comparison of the allowable uses in each zoning district and eliminates the potential for inconsistencies. In addition, definitions should be updated and supplemented to address new uses, and existing definitions should be reviewed to ensure they are appropriate and that the defined terms are used consistently throughout the bylaw.

Dimensional Requirements

The Table of Dimensional Requirements in Section 6-3.2.1 should be restructured to reflect each of the existing and newly created zoning district's dimensional requirements in one table. Under the current bylaw, the dimensional requirements for the Downtown and the Central and South Conomo Point districts are listed in separate sections of the zoning bylaw. This makes it extremely cumbersome to compare dimensional requirements across zoning districts. Organizing this information into one table would make the bylaw easier for applicants, staff, and the general public to read and interpret. This section should also include graphics and diagrams to illustrate dimensional terms and measurements such as lot frontage and front, side, and rear yards.

Development Standards

In addition to establishing new zoning districts and expanding use regulations, the Town should also update Section 6-3.3 to reflect development standards by zoning district rather than use-specific standards (i.e., residential, business, motel and hotel, and industrial). This new section could be broken into numerous sub-topics to address things like accessory buildings and uses, parking and loading areas, site access, on-site storage, building design, landscaping, connectivity, and noise regulations.

Parking

The off-street parking requirements in Section 6-6.1.1 should be reviewed and updated to better reflect current industry standards for parking, with special focus on the downtown area. For example, the existing parking regulations do not address handicapped parking requirements. Additionally, it is recommended that the parking requirements be expanded and reorganized to cover more use categories and that the terminology be consistent with terms used in the Table of Permitted Uses. The applicable recommendations of the 2016 Essex Center Parking Strategy should be implemented as

parking requirements are updated. Additionally, integrating new practices such as shared parking and access agreements, revised parking ratios, and development incentives should also be considered when updating this section. The ability to apply shared parking standards can serve as an incentive to a potential developer in mixed use areas like downtown. The Town may also wish to establish parking and circulation design standards such as landscaping, pedestrian and bicycle facilities, lighting, paving, and drainage.

Development Review: Site Plan Review and Special Permit

Section 6-3.4 outlines when special permits are required. The bylaw could more clearly delineate the administrative process for reviewing applications for special permits, including adding a new section with approval criteria and how conditional approvals work. The Hamilton zoning bylaw can serve as an example for how to clarify administrative processes more clearly. Special permit applicability could be expanded to be required when certain community impact thresholds are met (e.g., traffic impacts, building square footage, parking, etc.).

Section 6-3.5.2 outlines the Site Plan Review process but is lacking administrative details like application requirements and procedures. This section also lacks criteria that considers how permitted uses interact with neighboring parcels. For example, to establish a home occupation under Section 6-5.11, a use must comply with a range of criteria related to site impacts (e.g., outdoor storage, traffic considerations, parking, etc.). For a commercial or industrial use to establish under Section 6-3.5, the criteria in 6-3.5.3 put forth little guidance as it relates to parking, traffic, drainage, etc. Strengthening the criteria for projects that require Site Plan Review could help the Planning Board ensure approved projects do not negatively impact neighboring properties. Site Plan Review applies to new construction, reconstruction, or relocation of any building with a ground floor footprint of greater than or equal to 2,500 square feet, or any change of use for any building or site. Required approval includes proposals for commercial, industrial, office, multi-family dwelling, residential development, municipal, utility, and recreational purposes. Single Family Residential development does not require site plan review approval. Essex could benefit from updating the Site Plan Review process in a few ways, in addition to updating the approval criteria. Site Plan Review could be split into two tiers – "limited" site plan review for use changes that are occurring on an already developed parcel (e.g., using a vacant commercial building). Full site plan review approval would be for developments of a certain scale or size and on presently undeveloped or vacant sites. Having a tiered site plan review process could streamline the review process and lessen the load for Planning Board and other review bodies, as some applications could be approved administratively if zoning regulations are met. It is important to note that the Planning Board and other review bodies have not historically had lengthy application dockets, as there has been limited development activity in Essex.

Conversations with Town officials noted that there have been issues with applications changing as they move through the permitting process. For example, a site plan that may be approved by the Planning Board may change before it goes to the Conservation Commission. This creates confusion about what is permitted and increases the likelihood that construction may not conform to zoning requirements. To coordinate the site plan review process, the Town could consider forming a Site Plan Review committee with representatives who are involved with the permitting process (e.g., Building Inspector, Town Planner, Public Works Director, Board of Health representative, Conservation Agent, etc.). This internal committee could review site plans for conformity with regulations and make recommendations to Planning Board.

Recommendation 3

Remove barriers to expanding housing options

Essex, like many communities in the Greater Boston region, has experienced rapidly rising housing costs in recent years. The majority (74%) of Essex's total housing stock (1,662 units) is single-family detached,

which is the most expensive housing type to purchase or rent. Essex has some housing stock diversity, with about 10% of homes in two-unit structures; 10% in lower density multi-family structures with 3-9 units; and 6% of homes in multi-family buildings with ten or more units.[5] Essex falls short on the Subsidized Housing Inventory[6], with only 40 units listed (2.7% of housing units in 2010). This share of Affordable Housing[7] only represents 2.4% of all units based on the 2020 housing unit count (1,662 units). Several survey respondents noted that housing affordability is an issue in Essex, with many calling for the Town to create more Affordable Housing for seniors and people with lower incomes. Focus group participants noted that while property owners have benefited from rising property values, the strong housing market, coupled with limited housing supply, has made it difficult for people to afford to move to Essex. Others mentioned that it is difficult to stay in Essex as prices rise. The Town's Economic Development Plan also recognized the town's housing challenges and recommended removing zoning obstacles to creating a full range of housing types, including both market-rate and Affordable Housing options.

Allow Accessory Dwelling Units

Accessory dwelling units (ADUs) come in different shapes and sizes. Many are apartments located inside a single-family home or in a detached structure, such as a garage. Sometimes known as granny flats, in-law apartments, or secondary dwelling units, they include a kitchen, bath, and usually at least one bedroom. ADUs are a low-impact way to diversify housing options. ADUs can provide more affordable rental options and supplemental income to homeowners. They also provide accommodations for multigenerational households. 64% of survey respondents would like to see accessory dwelling units allowed throughout Essex, and they are the most desired housing type to allow beyond single-family detached homes in residential areas. The Town could enact an accessory dwelling unit bylaw that would regulate when these can be added to properties and how they look. Regulations could address:

- Minimum lot size requirement (e.g., 5,000 SF)
- Owner-occupied requirement (e.g., the property owner must live on site, either in the primary or accessory unit)
- Limit the number of ADUs allowed per lot
- Size and/or height limits (e.g., may not exceed 900 square feet or the size of the primary dwelling, whichever is smaller; maximum height of two stories)
- Parking requirements (by unit, not by bedroom)
- Design considerations (separate entrance, etc.)
- Setback and lot coverage requirements
- Title 5 wastewater regulation compliance for homes with septic systems

Accessory dwelling units are sometimes used as short-term rentals, which are currently unregulated in Essex. Short-term rentals should be prohibited from ADUs. See *Recommendation 4* for more discussion on short-term rentals.

Additional resources: ABCs of ADUs (AARP)

Update requirements for two-family and multi-family homes

Requirements in the existing bylaw may make converting existing homes or building new two-family or multi-family homes more challenging than intended. The regulations are ambiguous when it comes to single-family attached residential uses, more commonly known as townhouses or rowhouses. Two-family homes (or duplexes) are permitted as of right but are subject to more use regulations than single-family detached units. Section 6-3.3.2.a imposes a bedroom limit on one of the units in a two-family residential

5 Essex Economic Development Plan, 2020.

6 The Subsidized Housing Inventory is used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

7 Affordable Housing is deed-restricted housing for low- (at or below 80% AMI) or moderate- (between 80% to 100% AMI) income households at a cost that does not exceed 30% of their monthly gross income.

structure. Removing this maximum bedroom requirement and instead relying on dimensional standards and Title 5 requirements for septic system to regulate unit size may be a more flexible approach and would avoid challenges under the federal Fair Housing Act. Section 6-3.2.2.d in "Notes for Table of Dimensional Requirements" could be amended to regulate three-unit and four or more-unit structures based on minimum land area by unit rather than bedroom. This requirement could also be clarified as to how it relates to minimum lot size. As the town creates additional zoning districts, more discussion around the types of housing, and at what scale, should be developed in certain areas could expand housing options.

Adopt an inclusionary zoning bylaw

Inclusionary zoning encourages or requires developers to build Affordable Housing in their developments or provide a comparable public benefit, such as providing Affordable Housing in other locations ("off-site units") or paying fees in lieu of units to an Affordable Housing Trust Fund. Past Town planning efforts have identified this as an effective tool for expanding the share of Affordable Housing in Essex. Inclusionary zoning can be done in a variety of ways, from providing flexibility in minimum lot area and parking requirements to density bonuses when Affordable units are provided. The Massachusetts Smart Growth Toolkit includes case studies from other cities and towns, including a rural example from Dennis, Massachusetts.

Additional resource: Massachusetts Smart Growth Toolkit: Inclusionary Zoning

Refine the Open Space Residential Development requirements

Rural communities like Essex are at risk of large undeveloped parcels being subdivided into single-family detached subdivisions with large estate lots. This type of sprawling development slowly can erode rural landscapes and result in inefficient public service provisions. To combat this less sustainable development pattern, cities and towns enact Open Space Residential Development requirements to promote cluster subdivisions that result in permanently protected open space. Section 6-13 of the Essex zoning bylaw allows for Open Space Residential Development (OSRD) subdivisions; however, the provisions have never been used. Barriers to employing OSRD subdivisions in Essex may include the five-acre minimum size requirement or that these types of subdivisions require a Special Permit. Section 6-13 could be amended to remove the minimum size requirement and allow OSRDs by-right, especially when a subdivision is resulting in more than 50 percent of permanently protected open space. Developments could be allowed by-right if low-impact development techniques[8] are used. Further review of Section 6-13 against the model OSRD bylaw and other best practices could result in subsequent refinements to make the tool more appealing.

Additional resources: Massachusetts Smart Growth Toolkit: Open Space Design and Case Studies; Ipswich Example of OSRD with low-impact development techniques

Compliance with Section 3A of the Zoning Act

In 2021, the State Legislature added a new section (3A) to M.G.L. c. 40A (the Zoning Act) as part of an economic development bill to promote more housing choices near transit. The new section requires that MBTA communities have at least one zoning district of reasonable size that permits multi-family housing by-right. Other zoning criteria in the statute include a minimum gross density of 15 units per acre; located no more than ½ mile from a commuter rail station, subway station, ferry terminal, or bus station, as applicable; housing must not have age restrictions; and housing must be suitable for families with children. Essex is designated an MBTA community under the new bill. Section 3A notes that failure to comply with new requirements make communities ineligible for funds from the Housing Choice Initiative program, Local Capital Projects Fund, and MassWorks infrastructure program.

8 Low-impact development (LID) principles employ landscaping and site design techniques that attempt to maintain the natural, predeveloped ability of a site to manage rainfall, resulting in a more environmentally friendly design.

The Massachusetts Department of Community Development (DHCD) is working with MBTA and MassDOT to prepare guidelines for how the new section of state law will be implemented. Draft guidelines were released in December 2021 and were available for review through March 31, 2022. Final guidelines will be issued in summer 2022.

Under the draft guidelines, MBTA communities have been organized into four different types, based on transit service. Essex is categorized as an "MBTA Adjacent" community, due to the lack of transit stations in or near (less than ½ mile) Essex. MBTA Adjacent communities are required to have a zoning district that allows multi-family by-right in an area that is at least 50 acres in size and contiguous. Since MBTA Adjacent communities are not within ½ mile of transit stations, the draft guidelines advise that the multi-family zoning district should be located "in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth's sustainable development principles – for example, near an existing downtown or village center, near an RTA bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing." The zoning district's multi-family unit capacity must be equal to or greater than 10% of the town's total housing stock. In Essex, 10% of the housing stock is 166 (1,662 total housing units exist in Essex, according to DHCD and based on 2020 Decennial Census data). Guidelines include how to demonstrate unit capacity. It is important to note that Section 3A and draft guidelines do not require communities to build multi-family units. The intent is to ensure local regulations permit multi-family development near transit, should an application be made.

Essex currently allows multi-family residential by Special Permit in the "general" zoning district. The Downtown zoning district allows apartments as part of mixed-use by Special Permit. Multi-family with 3-4 units is allowed as-of-right. Multi-family with five or more units is allowed by Special Permit. MAPC is creating a tool to help towns assess how current regulations comply with gross density and unit capacity requirements of the draft state guidelines. As this information is available and the state guidelines are finalized, MAPC will help Essex further assess compliance with Section 3A and what potential amendments are required to ensure compliance.

For communities who do not currently comply with Section 3A, the draft guidance outlines a process for interim compliance. Communities can create an action plan and timeline for work associated with the creation of a conforming multi-family district. For MBTA adjacent communities, the action plan should be submitted by December 31, 2022 and approved by DHCD by July 1, 2023. The action plan must be implemented and result in adoption of a zoning amendment by December 31, 2024.

More information on this evolving guidance is available here: https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities#review-the-draft-guidelines-.

Recommendation 4

Align zoning and general bylaws with community values

During the interviews and focus groups, several residents mentioned that some development decisions made under the current zoning bylaw do not align with or reflect the community's values. These values include protecting cultural, historic, and scenic resources and supporting small businesses, local tourism, and resilient and sustainable development. It should be noted that some of these issues can be addressed through zoning, but it may be more appropriate to amend the town's general bylaws to address issues such as historic preservation, short-term rentals, or other topics that reach beyond zoning.

Natural and Cultural Resource Protection

Essex's agricultural, coastal, and forested landscapes lend the town a signature beauty that has significantly contributed to its popularity as a tourist destination and scenic byway. Another major component of the Town's unique character are its scenic roads. The Scenic Roads Act (M.G.L. Chapter 40A Section 15C) is a valuable preservation tool that affords a certain level of protection to local roads which have officially been designated as scenic roads. This statute helps preserve the scenic, historic, and aesthetic characteristics of a community by providing an opportunity for the Planning Board to review the cutting or removal of trees or the alteration of stone walls within the public right-of-way of a designated scenic road. Apple Street, Belcher Street, Choate Street, and Story Street have been designated scenic roads by the Town of Essex under M.G.L. Chapter 40A Section 15C. However, the Town's current bylaw does not mention or reflect an established Scenic Roads Bylaw. The town should consider adding a new section to the bylaw that establishes specific policies and regulatory provisions for protecting natural, cultural, and historic resources, including scenic roads.

Public comments also supported exploring how historic resources can be better protected. The Town has a Historical Commission that administers the Demolition Delay bylaw, which requires demolition permit applications for structures that are more than 100 years old or have no documented construction date to be reviewed first by the Historical Commission. Essex has nearly 300 documented historic sites in the Massachusetts Cultural Resources Information System, in addition to designated scenic roads. The Town could consider enacting historic districts to help protect clusters of historic resources or shape how future development looks along scenic roads. Preservation Massachusetts has more information about local historic districts. The Massachusetts Historical Commission also provides local guidance for communities looking to expand local preservation efforts.

Home Occupations

Residents appreciate the flexibility and convenience of being able to work from home and would like to see home occupations continue to be an allowed use. However, a general consensus is that additional tools are needed to improve enforceability. This includes requiring permits for home occupations and establishing tracking and reporting requirements. Essex currently regulates home occupations based on factors such as number of employees, number of parking spaces, and signage. Residents who want to establish home occupations could be required to sign an affidavit or other acknowledgement of the existing regulations, to aid in enforcement.

Short Term Rentals

Like many other communities across the Commonwealth, Essex has recently experienced an influx in short-term rentals. The Town currently lacks a bylaw to regulate or ban short-term rentals. The Town should consider developing a permitting program to provide a regulatory framework to help control short-term rental activities and protect the residential nature of neighborhoods. Communities have chosen a variety of ways to regulate short-term rentals. If Essex decides to enact a bylaw, a review of similarly sized communities' permitting frameworks could provide the Town with different options to address community concerns.

Resilient and Sustainable Development

Several residents expressed a desire to see zoning that promotes more resilient and sustainable development as climate change and rising sea levels will continue to greatly impact Essex. MAPC recently developed a Climate Resilient Land Use Strategies toolkit that offers a variety of regulatory options from floodplain and wetlands restrictions, to tree protection and water conservation, to design standards and zoning. Communities across Massachusetts are using their regulatory authority to address the growing impacts of rainstorms, sea level rise, heat, and drought. The Town should consider more comprehensively reviewing existing environmental regulations and ways to update them to promote more resilient zoning and site design standards to proactively address the impacts of climate change, especially those due to

sea level rise. This work should be done alongside the Conservation Commission, and could include adopting a wetlands or conservation bylaw, incentivizing green infrastructure and low-impact development techniques, and adopting design standards for development are just a few of the options that should be considered.

Additional resource: MAPC Low Impact Development Toolkit

Recommendation 5

Make the bylaw more user-friendly for both Town officials and the general public

Administering zoning bylaws is complex and often requires interpretation as land uses change and evolve and regulations become unclear over time. Bylaws can be especially difficult to navigate if they are not used frequently. The following suggestions would help Town staff and officials more easily understand and administer the bylaw, making the process more efficient. Changes would also help residents and property owners better understand what can occur on properties and how to understand what regulations mean and how to navigate the different application processes. Generally, the bylaw could benefit from being reorganized into the following sections:

- Section 1: Purpose and Authority (currently called "General Provisions")
- Section 2: Definitions
- Section 3: Establishment of Zoning Districts (including Downtown and Conomo Point districts)
- Section 4: Use Regulations (including Table of Permitted Uses, special use regulations (currently in 6-3.3), and Section 6-5.11 Home Occupations)
- Section 5: Dimensional Requirements (including Table of Regulations)
- Section 6: Special Regulations (would include elements of Section 6-5, supplementary provisions)
- Section 7: Development Regulations (would include parking and signs)
- Section 8: Overlay Districts
- Section 9: Open Space Residential Development
- Section 10: Nonconforming Uses and Structures
- Section 11: Administration and Enforcement (would address Building Permits, Special Permits, Site Plan Review, Variances, and Enforcement)

Reorganizing in this way would also allow similar regulations currently scattered throughout, like use regulations or parking requirements, to be consolidated for easier reference.

Additionally, the following changes would make the bylaw more user-friendly:

- **Create a "Measurements" section.** Currently, guidance for how to measure and meet dimensional standards and development regulations are intermixed with definitions. For instance, the "Lot Frontage" definition describes both what the lot frontage is and how it is calculated. The definition for "Lot" includes computational guidance. Moving measurements and computations to the beginning of the proposed Section 4, Dimensional Requirements would clarify regulations.

- **Review and update definitions.** Many definitions contain regulations, which can easily be missed by zoning administrators or applicants trying to comply with all regulations. For instance, the definition for "Yard" states what is prohibited and allowed in these areas. The "Street" definition includes a minimum width requirement for new streets. Definitions should be reviewed and all regulatory language should be relocated to the appropriate section of the zoning bylaw.

As future zoning bylaw amendments are made, new definitions should be added, where necessary. Current definitions that are no longer relevant should be deleted. For instance, "Motor Vehicle Junk Yard" is not a term used in the bylaw. This definition should be updated to be "Junk Yard" and amended accordingly. "Building Area" is defined but not used elsewhere in the bylaw. "Building" is defined as "any structure affording shelter." This seems unnecessary since both "structure" and "dwelling unit" are already defined. Special attention should also be given to how different housing types are defined.

Interviewees noted confusion with some of the definitions. For instance, one person said that the two types of industrial land uses – Class A or Class B – are difficult to distinguish. The definitions state, "building used for manufacturing purposes" but manufacturing is not defined. As the zoning bylaw expands more on the types of land uses allowed, clarifying what the different land use types are will be critical for administration.

- **Add graphics.** Adding graphics can help demonstrate how measurements are calculated or illustrate technical terms or concepts. The Essex bylaw could include graphics to illustrate dimensional standard requirements, parking design and directional signage examples, what "Town Character" means under 6-3.5.3, or examples of the different types of signs permitted under 6-7.

- **Consolidate procedures and authority.** The current bylaw has administrative functions scattered throughout, and authority, procedures, criteria, and process are not consistently explained. Administrative and enforcement functions should be consolidated into a new section, where the power, authority, and functions for the Building Inspector, Planning Board, and Zoning Board of Appeals are explained, as well as the process and criteria for Site Plan Review, Special Permit and Variances.

Recommendation 6

Improve the application review process

During the focus groups and interviews, we heard a variety of comments about development review procedures in the Town. Some participants mentioned a need for clearer review criteria and better descriptions of how each review procedure works. The Town should consider creating a user-friendly application packet that includes checklists and flow charts that explain the permitting process and outlines relevant sections of the bylaw that apply to each application type. The Town should also consider expanding staff capacity for pre-application meetings with residents and property owners to help explain requirements and gain a better understanding of regulations that will influence the project.

Recommendation 7

Expand staffing capacity to adequately administer and enforce the bylaw

A reoccurring theme heard from the public was the challenge of enforcement. Residents are frustrated when developments are permitted but do not get installed or built as they were approved. Some mentioned properties with unsightly outdoor storage, home occupations that have expanded beyond what is allowed, and permit conditions not being followed. Essex has very few full-time employees, which is likely limiting enforcement capacity. The Building Inspector, the primary staff person charged with administering and enforcing the bylaw, only works five hours a week. The Town recently hired a part-time Town Planner who works more closely with the Board of Selectmen and the Economic Development and Strategic Planning committees. The Town has a few options for expanding administrative and enforcement capacity.

- **Review staff responsibilities.** The Town should consider expanding the Town Planner's capacity to support the Planning Board and Zoning Board of Appeals. The Town Planner could work with the Building Inspector on administering the zoning bylaw. For example, during application reviews, the Town Planner could focus on zoning compliance while the Building Inspector could focus on building code enforcement. Better utilizing the Town Planner's planning expertise can help ensure zoning furthers longer-term planning goals for economic development, housing, and open space preservation. Having professional planning support for the Planning Board and Zoning Board of Appeals will also help ensure zoning state laws related to notice requirements, decision filing, etc. are being adhered.

- **Leverage zoning and planning resources and training opportunities.** During zoning interviews, one person noted that Essex boards and committees may not be as up-to-date on recent court decisions that impact planning and zoning decisions. Another person noted that meeting notifications and decision filing may be happening inconsistently. To help ensure that Town officials and volunteers are well-informed of their duties and responsibilities, as well as the constantly evolving rules, regulations, and trends in planning and zoning, the Town could require volunteers to participate in training sessions provided by the Citizen Planning Training Collaborative (CPTC). CPTC is a collaboration of UMass, Department of Housing and Community Development, Massachusetts Chapter of American Planning Association, Massachusetts Association of Planning Directors, Massachusetts Association of Regional Planning Agencies, and Mass Audubon with a goal to empower local land use officials to make effective and judicious decisions. Trainings are offered on a variety of topics. The Planning Board could also periodically invite Town Counsel or other speakers to share updates in case law or other planning topics such as climate change resiliency or historic preservation (two topics of great interest from recent engagement).

- **Review fees and fine schedules.** To help support expansion of staff and volunteer capacity, the Town should review application fees and enforcement fines. The Town could compare fees and fines to those charged in similarly sized communities. The Town could also consider enforcement costs and use violation fines (including daily fines for each day after notification that a property remains out of compliance) to help pay for expanded enforcement activities.

Recommendation 8

Develop a robust community engagement strategy to ensure zoning reflects community goals

This report is one step in a lengthy process of revising the Town's zoning bylaw. Collaborative and inclusive community engagement will be crucial for the success of future bylaw amendments. To ensure that future zoning changes reflect community goals and have sustainable, long-term support, the Town should develop a robust community engagement strategy for the next phase of work.

- **Building Trust**
  During our review of the zoning bylaw, we heard several comments that revealed a lack of trust between Town officials and residents, and between residents and the business community. Trust is essential in communities like Essex that need creative strategies and solid teamwork to respond to uncertainty and change. The Town's natural and built character and infrastructure are constantly evolving and continually require citizen input. Although the bylaw includes several requirements

for public hearings, residents expressed that those opportunities are sometimes poorly communicated and the degree to which citizen or bylaw users can influence the outcome of development review decisions is unclear. Building trust and fostering positive relationships between citizens and the Town will be key to making successful zoning changes. The Town should ensure that decision-making processes are clear and transparent, and that the community has a good understanding about what zoning topics can be influenced or changed through community input, and which ones are being guided by established regulations or policies.

- **Community Workshops**
  Community visioning is an aspirational community brainstorming opportunity to take stock of where the Town is at and where community members would like to be in the future. This process can help create a shared vision and identify common goals that frame future collective decision-making at Town board and committee meetings. Given that the last comprehensive plan for Essex was adopted in 2004, we recommend that the Town kickoff the next phase of work by engaging in a community visioning exercise to identify the sentiment needed to support successful zoning changes. In addition, the 2021 Local Rapid Recovery Plan recommends that the Town conduct a series of community workshops and informational sessions as zoning amendments are being developed. These working sessions with the community would help determine where new zoning districts should be located and what future development should look like in Essex. The March 2022 community forum asked how residents in attendance at that time would like to engage in future community meetings. There was strong support for continuing to hold virtual events. Once zoning amendments are drafted and ready for public review, employing a virtual online open house that would be available for a short period of time might help expand the engagement reach and generate more support in the long run.

- **Zoning Champions Working Group**
  One of the most important parts of a successful planning process is broad and inclusive outreach. For the next phase of work, we recommend that the Town establish a Zoning Champions working group made up of 10 – 15 individuals who will advocate and support improvements to the Town's zoning bylaw. These individuals could be those who engaged the most during this phase of the project, or Board of Selectmen members, representatives of Local Business or Social Groups, workers, Town Meeting members, or other Community Stakeholders. The "Zoning Champions" will participate in a community engagement training process and work with Town staff to implement a comprehensive outreach strategy. This process will lay the groundwork for the needed community engagement to turn residents out for ongoing participation in this zoning project.

Next Steps

The Town is applying for a state planning grant through the Community One Stop for Growth application process to fund the next phase of work, which is implementing zoning recommendations. Given the breadth of these recommendations, the Planning Board and Board of Selectmen may want to work with the public to prioritize zoning amendments and establish a phased approach to updating the bylaw. First amendments, for consideration at Town Meeting in Fall 2023, could focus on establishing new zoning districts (Recommendation #1) to address the biggest concerns voiced about incompatible land uses and refining the bylaw to make it more user-friendly (Recommendation #5). As new zoning districts are created, use regulations and development standards would be addressed (Recommendation #2). Compliance with Section 3A of the Zoning Act should be prioritized to ensure compliance with state law (zoning amendments must be adopted by December 31, 2024). Components of other recommendations, such as enacting inclusionary zoning, allowing accessory dwelling units, or working with the Conservation Commission on a local wetlands or conservation bylaw could be completed for subsequent Town meetings.

Appendices

A. Supplemental Maps

B. Summary of Survey Results

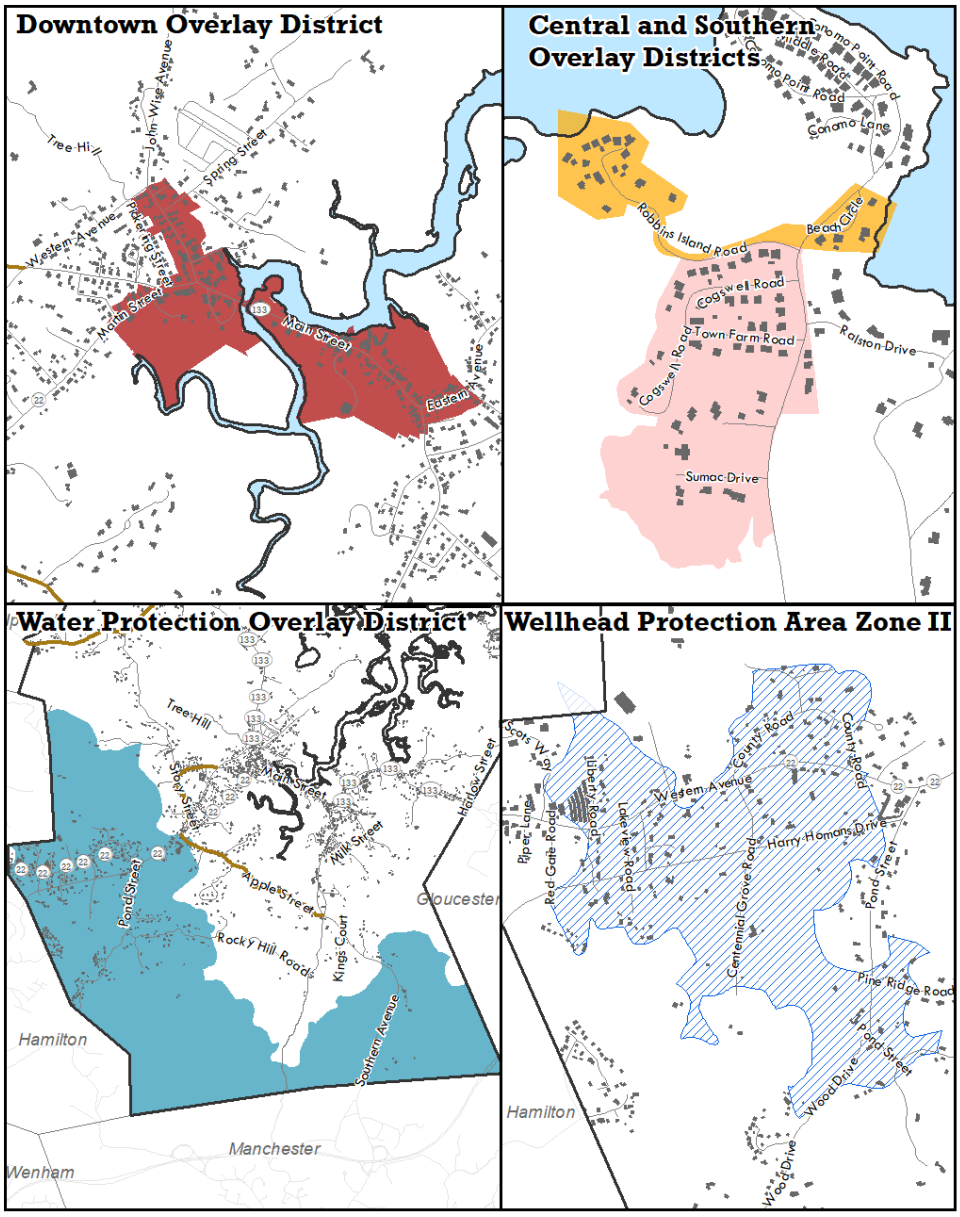
C. Complete Survey Results

D. Written Public Comments

Appendix A – Supplemental Maps

The following maps were created to better understand the existing development patterns in Essex and will be useful for drafting future bylaw amendments.

Map A-1: Building Footprints



Building Footprints
Central District Overlay
Southern District Overlay
Wellhead Protection Area Zone II
Water Protection Overlay District

Scenic Roads
All Roads
Interstate
U.S. Highway
State Route
Non-numbered route
Municipalities

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111 | (617) 933-0700

Data Sources: MAPC, MassGIS, MassDOT, Town of Essex

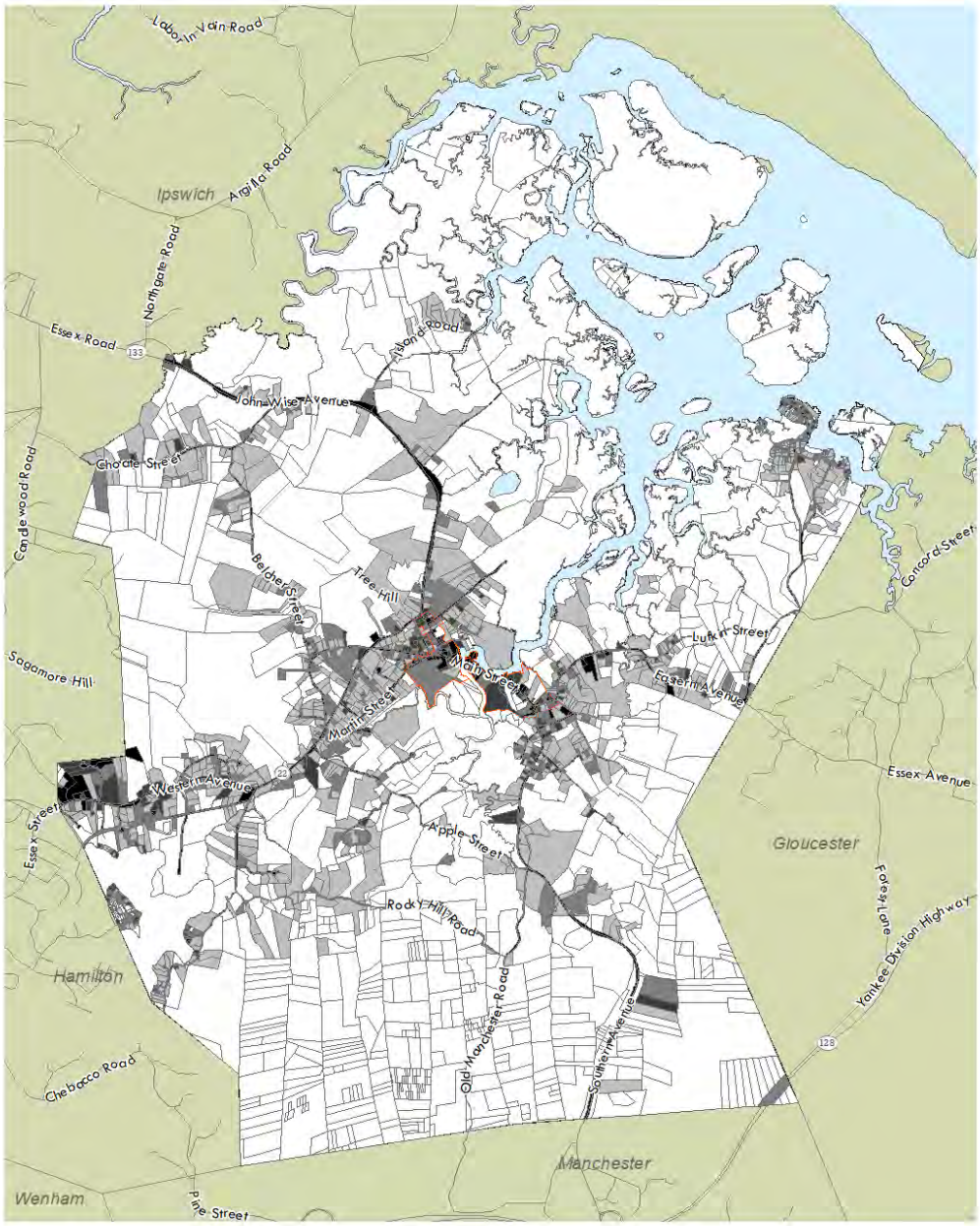
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Map A-2: Land parcels by Impervious Surface Coverage



Land Parcels by Impervious Area

Essex, MA

Percent Impervious Area

- 0% - 5%
- 5.01% - 20%
- 20.01% - 35%
- 35.01% - 60%
- 60.01% - 100%
- Downtown District Boundary

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Data Sources: MAPC, MassGIS, MassDOT

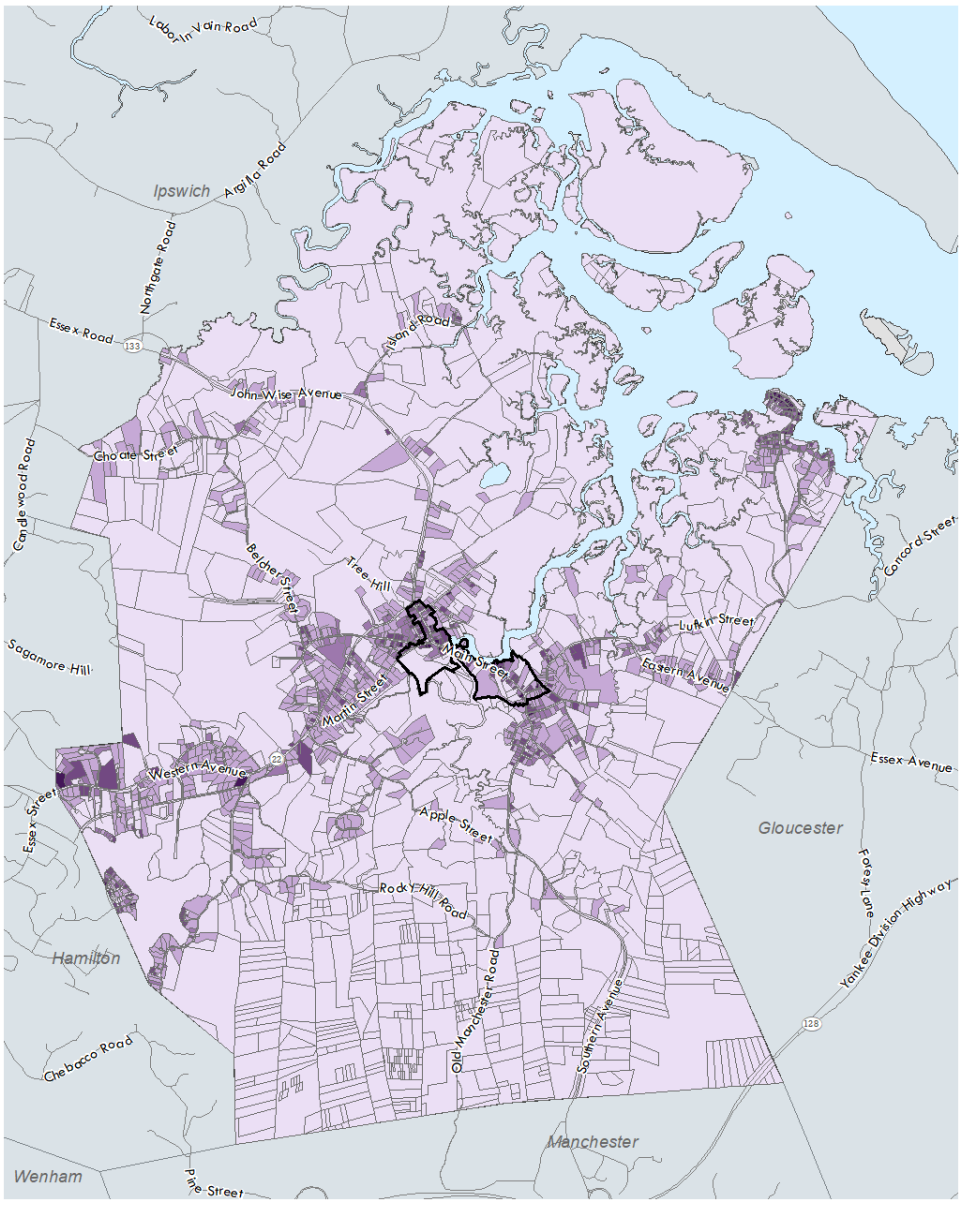
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Map A-3: Land parcels by Building Lot Coverage



Land Parcels by Lot Coverage

Essex, MA

Percent Building Coverage

- 0% - 2.5%
- 2.51% - 10%
- 10.01% - 15%
- 15.01% - 30%
- 30.01% - 70%

Downtown District Boundary

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Metropolitan Area Planning Council
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Data Sources: MAPC, MassGIS, MassDOT

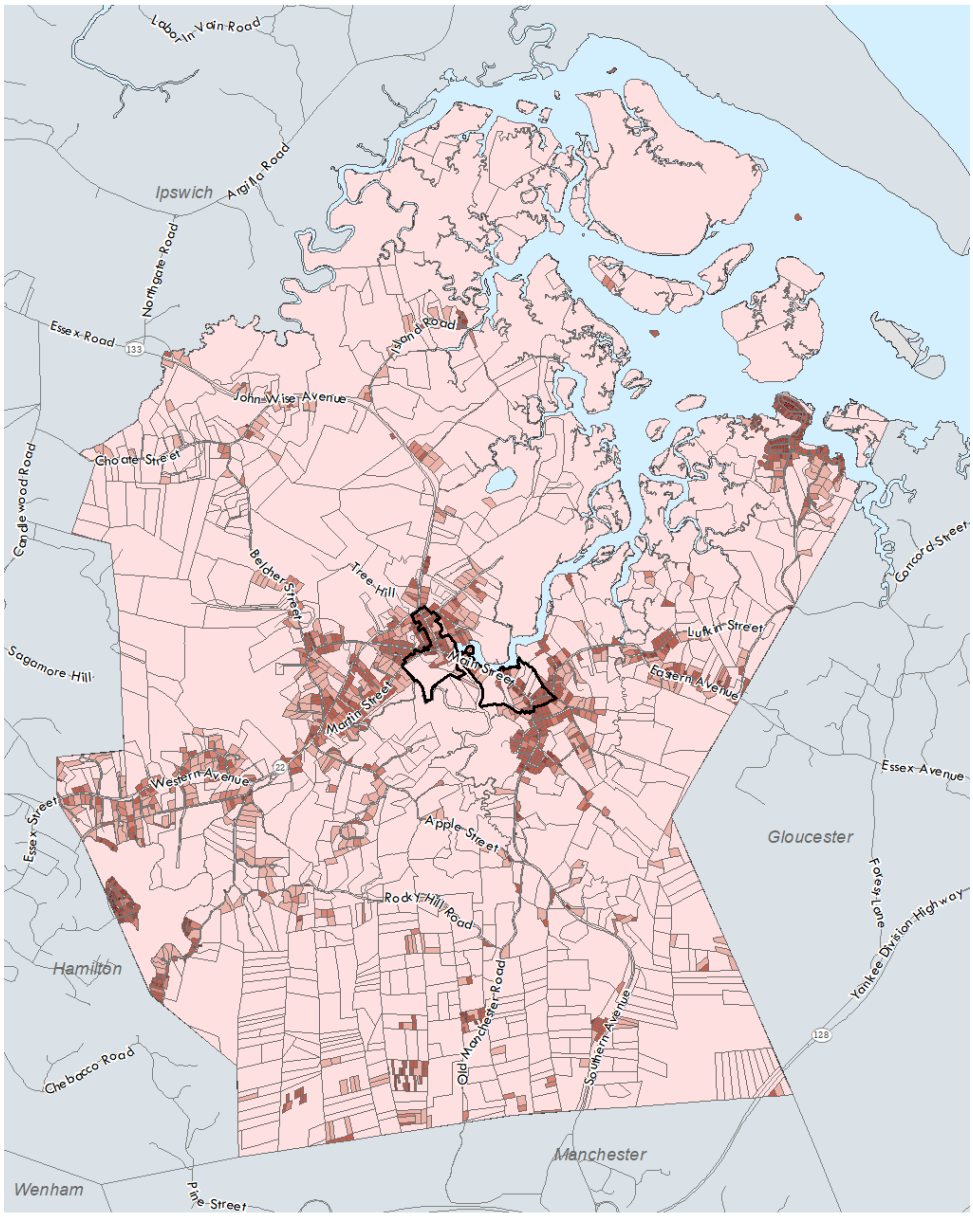
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Map A-4: Land parcels by Lot Size



Land Parcels by Size
Essex, MA

Lot Area (square feet)

- < 5000
- 5000 - 10000
- 10001 - 30000
- 30001 - 40000
- 40001 - 80000
- > 80000

Downtown District Boundary

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111 | (617) 933-0700

Data Sources: MAPC, MassGIS, MassDOT

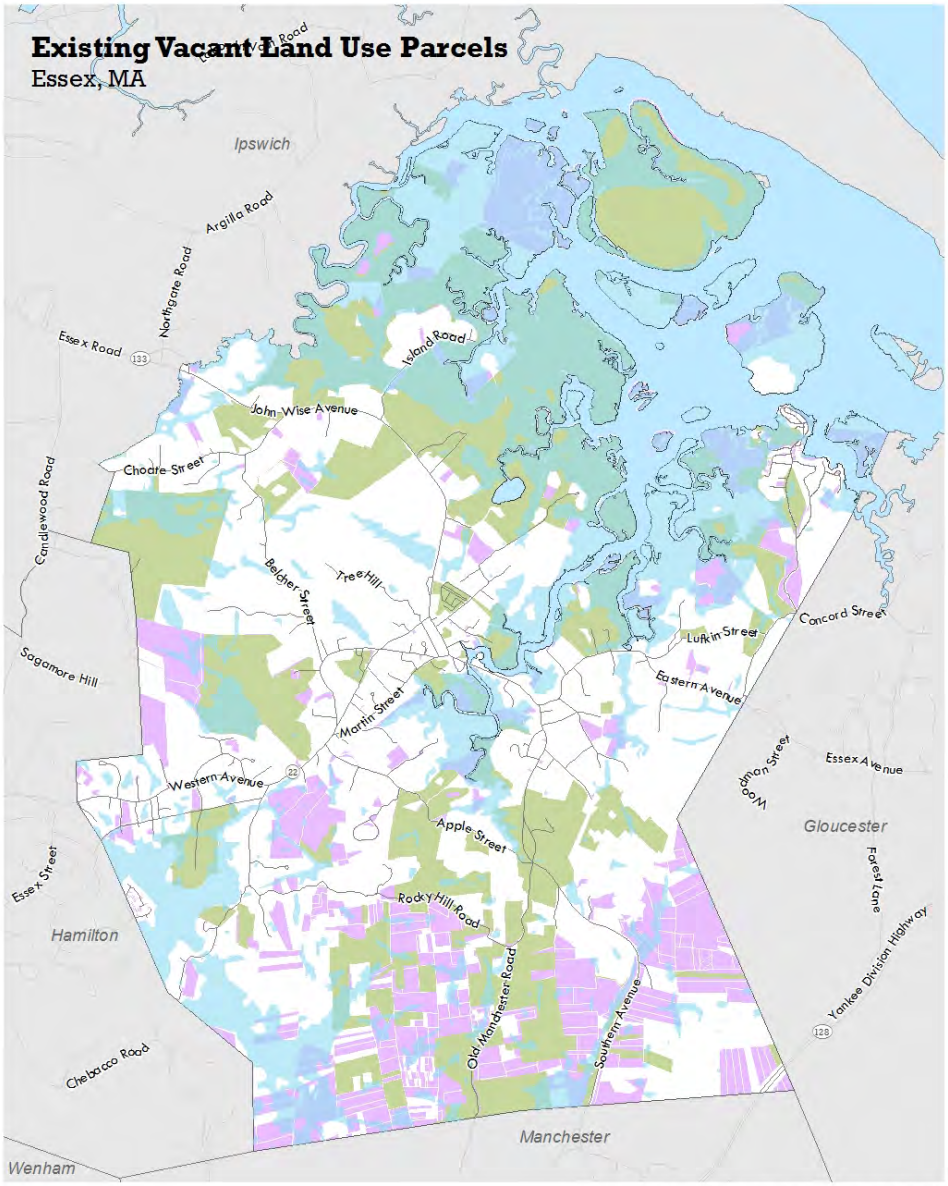
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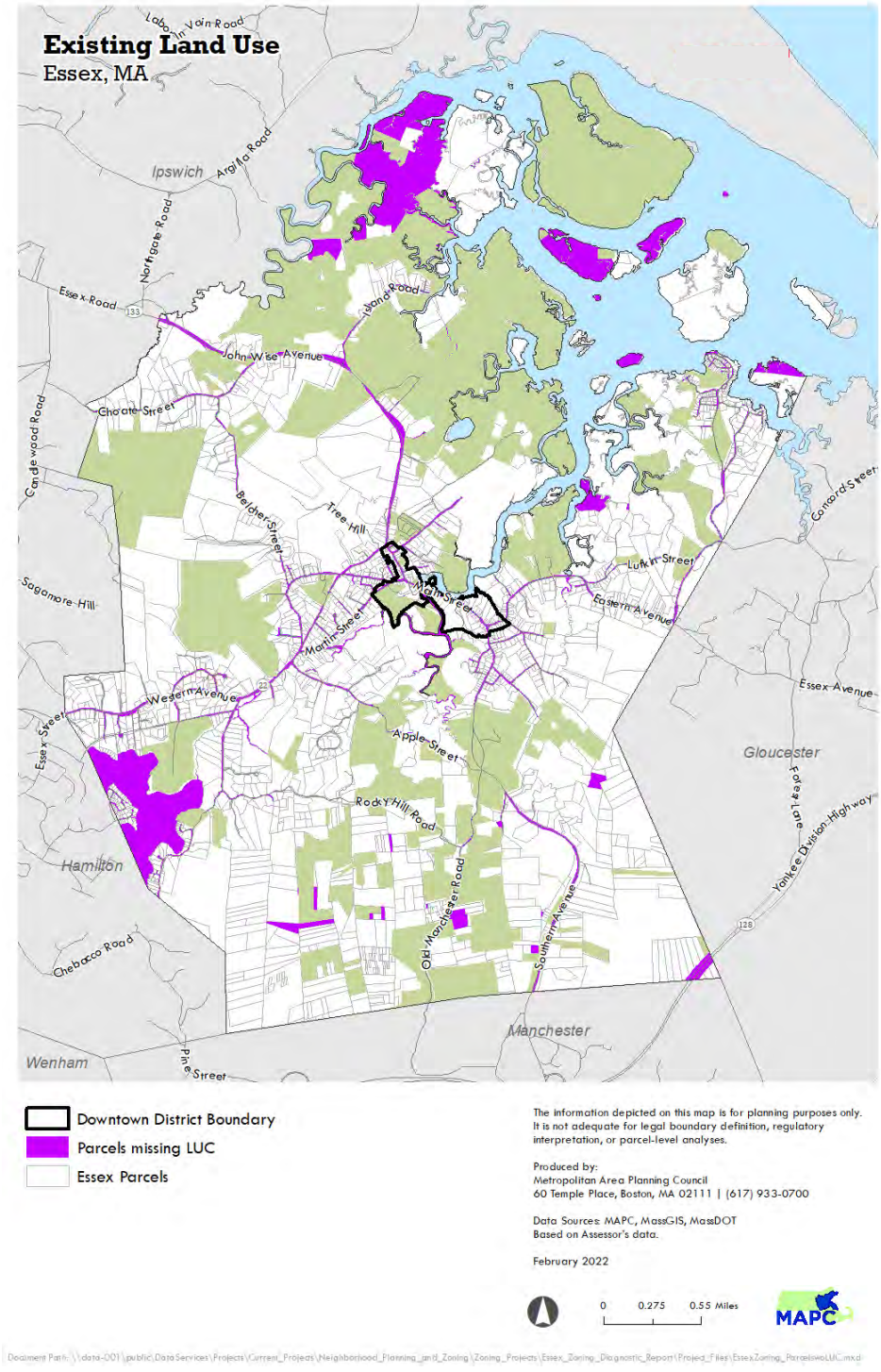
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Map A-5: Vacant parcels (shown alongside open space)



Map A-6: Parcels with missing land use designations



Appendix B

Summary of Survey Findings

Appendix C

Complete Survey Results

Appendix D

Written Public Comments as of 4/11/22

The Essex Historical Commission would like to take the opportunity to develop Historic Districts and Scenic Byways in conjunction with the broader zoning efforts and proposals being developed by the town.

The Commission understands that the Essex Board of Selectmen in conjunction with the Planning Board are looking into bringing the towns zoning bylaws into conformance with the majority of the Commonwealth's zoning standards. We see these proposed changes as a partnership and method to accelerate the efforts of the Historical Commission in adopting Historic Districts and Scenic Byways to better preserve and promote Essex's unique character and history.

The Commission would like the opportunity to engage in the effort and understand how Historic Districts and Scenic byways might affect zoning bylaws and districts. Historic districts and Scenic byways are changes to the town bylaws and would require the same public interface and approval as the zoning changes. Studies to determine the Historic District boundaries, characteristics, history and rules would need to be completed in conjunction with the proposed districts. Typically these studies are performed after individual house surveys are completed or as larger surveys are conducted.

The HC has from time to time hired qualified consultants to perform studies or reports. In the past the funding for these studies came from the CPA. Unfortunately the commission was turned down in our spring in our request for funding. The CPC's rules seem to have changed (on the state level) essentially eliminating surveys (non-tangible) projects from receiving funding. The HC would like to work with the Board of Selectmen to develop funding for the HC to perform these studies and other work on an annual basis.

Let us know how we can help with this exciting work to engage and enhance our town.

Essex attracted our family for two primary reasons, both related to its rural character: its beauty and its tranquility. We were lucky to find a house on the marsh with a distant view of the river. We never tire of watching the wildlife--especially the deer and birds (ducks, egrets, blue herons)--and enjoying the natural beauty and quiet of the changing seasons. Unfortunately, with the construction and growth of Riversbend and with the increasing desire of restaurants to provide outdoor entertainment, some of that beauty and quiet has been lost. I was grateful for the Select Board's recent adoption of a policy to restore some of the quiet (assuming they implement it).

However, the absence of zoning and the continued pressure for more businesses are sources of concern about the slow erosion of the quiet, scenic, rural character of the town. The current bylaws seem to value this character:

"6-3.5.1 Purpose. The site plan review bylaw regulates the development of structures and sites permissible under present zoning. The review process considers the following site specific concerns and where necessary requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

a. The convenience and safety of vehicular and pedestrian movement within the site adjacent areas and roads.

b. The protection of historic and natural environmental features on the site under review, and in the adjacent areas.

c. To ensure the placement and aesthetics of the proposed development is safe, healthy, and in keeping with the community and neighborhood character so as to avoid substantial detriment to the community and neighborhood."

Other parts of the bylaws specifically address the visual beauty of the town by requiring screening of unsightly items and harmonizing man-made structures with nature:

"d. Existing Vegetation: Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees and undergrowth.
e. Amenities: The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
f. Town Character: The (building setbacks) area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape, neighborhood, and the natural landscape, as far as practicable by minimizing any grade changes and vegetation and soil removal.
g. Screening: Screening consisting of a solid fence, wall or evergreen planting, in all cases not less than six (6) feet in height or as specified by the Planning Board, shall be provided, erected and maintained wherever feasible to shield the business and light and industrial uses for any residential property."

Given these general bylaws and the existence of a town conservation commission, it strikes me as amazing that Riversbend and the large marina were even permitted to be built on that small peninsula at the end of Dodge Street: why Curt was allowed to clear-cut all trees and vegetation between the restaurant and the river; why he didn't have to retain some of the trees and replace some of the vegetation; why he was allowed to put a paved road over the marsh; why no consideration was given to the traffic implications for Dodge Street; why he doesn't have to screen the ever-growing fleet of all those ugly shrink-wrapped boats and the trailers from the view of the many people who live within view of his businesses. Even now, I wonder why he hasn't yet been told that adding a third business to that tiny peninsula, the wedding venue for which he continues to scheme, is never going to be allowed. (I suspect that his plan for a massive barn is just preparation for a future change-of-use application.)

I focus specifically on 35 Dodge Street because it seems emblematic of a darker side of another aspect of the character of the town: the long-standing tendency of town leaders to give business interests preference over the interests of residents who want to maintain the rural character--the beauty and peacefulness--of the town and, especially, their neighborhood. Right now, much of the attention is focused on property near the water, where, increasingly, the goals of businesses seem to be revealed in the new brewery's initial desire to host "boisterous parties," which, thanks to the Select Board, has been thwarted. But businesses can spring up anywhere (eg., the marijuana store, the cell tower), and the town beyond the water is equally lovely and quiet. Some inland people may adopt a "live free or die" attitude and not really care about the conflicts over noise between residents and businesses on the river, until suddenly, a business wants to move in next door to them (e.g., the proposed wedding venue for Island Rd.).

So I am grateful that the Planning Board wants to articulate more specific bylaws that require that both noise and ugliness be contained within the boundaries of business properties wherever they are--a real challenge in an unzoned town that allows businesses and residences to be abutters. How do you stop noise at a property line? Whose definition of beauty shall prevail? What constitutes too much traffic? What does harmonize mean?

However, grateful though I am about the impending development of new bylaws, I worry that, for any bylaws to really take effect, the attitude of some town leaders will need to change. I have heard unpleasant stories from residents who have tried to get the Planning Board and building inspector to apply even the current bylaws when a business applicant has materialized next door. These residents speak of being bullied, demeaned, and intimidated in public meetings, their concerns dismissed as irrelevant. They have felt, as I have often felt, that any appeals to bylaws, any legitimate objections to business desires, are quickly labeled "anti-business" and dismissed using the mindless bromide that "whatever is good for business is good for the town." What is good for business may be good for business; a great deal more analysis and thought are needed to determine if it's also good for the town, a neighborhood or a neighbor. You can't legislate psychological shifts, but one is badly needed in this town.

So unless the Board also commits to ENFORCING THE BYLAWS, Essex will not remain the Essex that many of us want to live in. I have to confess that I wonder whether we would be having this conversation if the bylaws that already exist and that I have cited above had been enforced, so I worry about whether simply creating more bylaws will result in preserving the character of the town. The businesses at 35 Dodge do not "harmonize" with the natural surroundings. The whole peninsula has become an eyesore, and the intention of the owner remains to make it also a noisy eyesore. Why are someone's business goals more important than those of the residents negatively affected by those goals?

Everyone likes to talk about the rural assets of the town and the importance of maintaining the character of town, river, and the Great Marsh, but decisions that allow disasters like 35 Dodge Street and that continue to increase the noise and bright lights that affect the marsh do not jibe with that talk. Ample research exists about the effect of noise and illumination on shore bird populations. It would be nice if the Conservation Commission studied this research and broadened its concern with preserving habitat, wildlife and the character of the town beyond the narrow limitations of Chapter 40, section 8C. Perhaps the Planning Board will fill the void--both for establishing laws and ensuring their enforcement.

At stake, in addition to the quality of life, is the value of residential property, which is quite expensive to buy but which instantly loses value when a neighbor converts a residence to a business or when a business spoils the original view that was part of a property's initial value. The modest meals tax, which is generated only by restaurants and which contributes little to the bloated budget of this small town, cannot offset the potential of new businesses to devalue the property of residential abutters. It seems to me that the potential for devaluation of surrounding property might be another litmus test for any decisions regarding future permits for new businesses.

Note: the following email was received following a focus group meeting.

Thanks very much for your leadership during today's Zoom meeting. I have been thinking about some of the points raised, and I want to make sure that MAPC truly appreciates the concerns over noise that many of us, especially those who live along the river and/or in proximity to various restaurants, have. You also heard the same concern expressed about those who have experienced a noisy (non-restaurant) business established next door. I am attaching some excerpts from The Southern Medical Journal that highlight some of the issues.

I think you (and we) have quite a challenge ahead. My experience with humanity suggests that once those clear rules that we like to pretend we want are established, people then spend all their time looking for ways around them. The right of the individual to make more and more money is the summum bonum of capitalism, not any concept of the greater societal or planetary good.

However, I shall do my best to remain optimistic about the chances of your success in threading the needle between the better and worse angels of human nature.

Attached excerpts from Southern Medical Journal:
The Southern Medical Journal published a study entitled "Noise Pollution: A Modern Plague." It explains the many health effects of noise pollution, including cognitive impairment, aggression, depression, sleep interference, cardiovascular disease, and other problems, and it states that "particularly vulnerable groups" include the elderly and those with sleep disorders. Here are some further points the article makes:
"Noise has been used as a noxious stimulus in a variety of studies because it produces the same kinds of effects as other stressors. The term annoyance does not begin to cover the wide range of negative reactions associated with noise pollution; these include anger, disappointment, dissatisfaction, withdrawal, helplessness, depression, anxiety, distraction, agitation, or exhaustion. Lack of perceived control over the noise intensifies these effects."

"Other less direct effects of annoyance are disruption of one's peace of mind, the enjoyment of one's property, and the enjoyment of solitude."
"Average outdoor residential day-night sound levels below 55 dB were defined as acceptable by the EPA; acceptable average indoor levels were less than 45 dB. To put these levels into perspective, sound levels produced by the average refrigerator or the sounds of the typical quiet neighborhood measure about 45 dB. Sound levels above this produce annoyance in significant numbers of people."
"The results of annoyance are privately felt dissatisfaction, publicly expressed complaints to authorities (although underreporting is probably significant), and the adverse health effects already noted. Given that annoyance can connote more than slight irritation, it describes a significant degradation in the quality of life, which corresponds to degradation in health and well-being. In this regard, it is important to note that annoyance does not abate over time despite continuing exposure to noise."

Note: the following email was received following a focus group meeting.

Thank you for the focus group this morning. I have been looking forward to this conversation and look to continue assisting you in this process.

I did not want to monopolize the conversation this morning. Here are some additional thoughts, items and resources I have been collecting. The town of Essex will be facing significant changes and pressures in the future. A strong zoning bylaw can allow for development to keep the town solvent while also enhancing the reasons why we live here and the draw to the businesses that exist. Zoning can also help protect the town and set it up to better face the challenges that Esex will face as a community and as participants in this planet. As you probably know the town lacks diversity in all categories. I want a zoning bylaw that removes barriers to access, while preventing development that plays lip service to affordable housing (for instance) without actually resolving our need.

Sorry for the long list. I continue to try to develop it and educate myself how zoning fits into solutions for out community. As an architect I can have blinders on planning initiative or have aspirations that are difficult to regulate at that level. I do know that there are many initiatives that can be taken to better our zoning bylaws.

Essex Zoning - Historical, Sustainable, Resilient, Health, Ecology, and Equity
Historical
H1: Historical Districts
- Align Districts with current or future Historical Districts
- Provide Framework for Historical Districts
- Utilize this zoning initiative to develop and define HDs

H2: Historical Precedents
- Align Setbacks and Lot Sizes with Historical Use and Implementation per district or region. Allow for exceptions to match surrounding precedent

Sustainable
S1: Solar
- Regulate Solar access at the site level
- Require subdivision solar orientation analysis

S2: Wind
- Remove Obstacles
- Create Incentives

S3: Geothermal
S4: Composting
S5: Green/ Cool Roofs
S6: Green Infrastructure
- Charging Station(s)

- Waste Management

S7: Building Materials
S8: NET ZERO & Carbon Reduction Initiatives
- Reward All Electric Construction
- Eliminate Gas
- NET ZERO CITY

https://netzerocitybook.com/

Resilient
R1: District Power
R2: District Sanitary
R3: Water
- Permit Water Harvesting
- Water Conserving Landscape Standards

Health & Wellness
W1: Micro Farming
W2: Role of Public Health Boards
https://www.cdc.gov/healthyplaces/publications/landusenalboh.pdf
W3: Heath Eating and Active Living
- Promote Compact, Mixed-Use And Transit-Oriented Development
- Increase Walking And Biking Through Pedestrian- And Bike- Friendly Street Design Standards

https://www.healcitiesnw.org/policies/land-use-and-transportation/healthy-zoning-regulations
W4: Public Lands Access
- Offer Additional Open Space Credits for maintaining public lands access
- Allow/Require Community Gardens as open space set aside

W5: Building Materials
- Exclude building materials that are dangerous to health and ecology
- Promote building materials that are RED LIST FREE

https://living-future.org/declare/declare-about/red-list/

Ecology
E1: Dark Sky
https://www.darksky.org/
E2: Ecosystem Health
- Targeted zoning - without placing unnecessary constraints on all locations.

http://conservationmaven.com/frontpage/does-land-use-zoning-protect-ecosystem-health.html

Equity
Q1: ACCESS
- Mandate Equity Analysis & Provide Minimums
- Develop Deed Restricted Affordable Housing

https://www.policylink.org/resources-tools/inclusionary-zoning
Q2: Small Scale Affordable Housing
- Reduce the number of Units that require Mandatory Affordable Housing

Links
NET ZERO City - https://netzerocitybook.com/roadmap/
International Dark Sky Association - https://www.darksky.org/
Zoning for Sustainability: A Review and Analysis of Zoning Ordinances of 32 Cities in the United States
https://www.tandfonline.com/doi/full/10.1080/01944363.2014.981200
Green Zoning: Creating Sustainable Communities Through Incentive Zoning
https://www.hks.harvard.edu/sites/default/files/centers/rappaport/files/schaffner_waxman.pdf

Sustainable Code Into – RMLUI
https://static.sustainability.asu.edu/docs/SCN/may10_valleywide/Sustainable_Code_Intro_AZ0510.pdf

Hi Essex Planning Board and Andrea Harris-Long, MAPC Land Use Planner,

Unfortunately I won't be able to attend the upcoming Public Forum for the Zoning Bylaw Review in Essex Ma but wanted to submit my thoughts for the record.

First, thank you very much for your planning service in general and for hosting the forum in particular. I don't have a lot of specific recommendations with regards to dimensional requirements or §7.6.2 findings but wanted to offer some more generalized observations and recommendations:

I. General "Zeitgeist" of the Town of Essex, 2022
a) Fiscally, the town government is in good shape but there are some serious budget issues coming up this year and in the near future (school budget, trash removal contract, rebuild the elementary school, water pipe replacement, etc.)
b) I've noticed a real raise-the-drawbridge attitude in the residents over the past 5 years: No chicken slaughterhouse, no pot shop, no noise, no traffic, no wedding venues, no strangers in Centennial Grove or on our Town Landing, no celltower, no nuthin!
c) There are a lot of land use pressures on the North Shore, with up to 500 units in 3 developments being proposed, with all 3 of them within 5 miles of Essex's Town Hall .

II. Land Use Issues Facing Essex
a) Housing stock shortage in general, with prices skyrocketing in past 3 years
b) Lack of affordable housing units in particular
c) A downtown that is moribund/dying, with empty (and several abandoned) buildings or building being torn down for parking lots
d) Land user pressures on the periphery of town

III. Recommendations for PB
a) If Essex continues down the path of stratification and homogenization in terms of socioeconomics & demographics, we will wither as a town. We might as well dis-incorporate and ask Ipswich to take us back.
b) Check out H4363 and see if there are components that we as a town could adopt.
c) At this point don't care what you do, but do something to encourage more development, density and usage downtown.
d) Do what you can to help our affordable housing numbers. I would prefer to see a multistory mixed use, affordable housing unit downtown where the fire station was. I am probably alone in this sentiment, but I'd rather see that that see the land on Rt.133 and Luftkin Point Road gobbled up my McMansions.
e) Reach out to the committees of other town and work together to plan regionally. We need to manage shared resources like the Chebacco Watershed Area in a organized fashion - the "every town for itself" and "your-committee-job-is-just-sign-what's-put-in-front-of-you" no longer works and is no longer an option in an era of pandemics and global warming.

Good luck!

Notwithstanding segmented commercial/residential concerns, I'm interested in learning about water-front zoning, zoning waterways for safe watercraft passage, moorages, and commercial aquaculture.

I'm writing to you because the questionnaire session expired and I couldn't start over, so I'd like to express a few thoughts and considerations here, with your acceptance.

Since moving to Essex 40 years since I've seen the town change broadly, from a white working class cultural backwater to a predominantly white gentrifying bedroom community. There's been marked increase in wealth for many, the economic system has delivered substantially and the societal and environmental repercussions have been successfully denied and outsourced. As I think anyone with a reasonable picture of current affairs has figured, the coming decades are probably going to be riskier, and potentially more fragmented than historically- at least in this country. I think Essex will need to adapt tremendously to thrive or survive.

We know definitely that sea level rise of 1' is expected within 30 years, along with a probable warming to about 2 deg C at current projections, which usually have an inbuilt undercount. If some tipping points, such as the Thwaites glacier are breached, the rise would be substantially greater. The N.east including the gulf of Maine is experiencing increased temperature rise, which will only exacerbate the current storms, precipitation and likely droughts.

Recent Government reports suggest that as temperatures and climate fluctuate, the pressures on society to remain relatively coherent will start to dissolve, especially when accompanied by extensive, pervasive pollution. The timelines considered are a fraction of 30 years.

Populist movements will only grow in response to haphazard government responses to climate disruption

The 1200 year drought in California will continue, and at some point it may be also be recognized as too carbon intensive to continue being central to US food production. A 1' sea level rise in Florida will curtail much agricultural production there also.

We are losing biodiversity at an unprecedented rate, the background extinction rate is one thousandfold the post glacial norm, we are in the Holocene extinction spasm.

So as I see it, Essex needs to be prepared for increasing self sustainability and cohesion against this ramped up environmental degradation scenario. So basically I see a couple ways that things might stay functionally intact a little longer. We need a diverse human population that has a stake and sense of place in this area. And we need land that we can engage with to produce food, both as individual plots and as commercial projects, such as vertical farming.

We need to change wetland bylaws to reflect the importance of freshwater storm mitigation reservoirs and we need to protect the great marsh. So all new concretization of land should be permeable and rain water allowed to refurbish wetlands.

Although I really enjoy living in an extensive woodland I recognize that human living spaces need to be coalesced to allow the land to regenerate as natural buffers against our induced climate change, so all new land disturbance must require ecological review. Overall we have to shrink drastically our human tyreprint, for all concerned.

The overriding situation is that we're culturally disconnected from the planet except for exploitation of resources from the global hypermart. Though many understand this, the guilt, helplessness and inertia from the self perception as being all powerful will only drag on the changes required to our collective behavior. So, broadly the town of Essex needs to be zoned as ecologically savvy.

Any businesses that support local economy should be encouraged, so locally sourced food markets would be welcome, and placed near the currently shriveled town center.

Arable land and clean water are the most necessary requirements, a diverse population can only increase our resiliency, and must be factored in using housing systems that don't negate environmental considerations. Businesses that mitigate nature's response to our idiocies need to be encouraged, such as local fossil fuel free delivery systems. Maybe a town logo of "No Business as Usual" would be useful.

Other possible zones to be considered would be pesticide free, forest regeneration, lawn free etc. We need to act now to reverse the insect apocalypse that we're bankrolling.

Thank you for reading

Proper taxation of commercial properties would do a lot to alleviate some of the concerns of Essex residents, thereby making some additional regulations possibly not as necessary. I commented multiple times on the survey about this and I can't imagine I am alone.

Without higher taxes for commercial uses in place Essex has become a haven for contractors to dump their unsightly and potentially problematic business tools, equipment and supplies. If we taxed these properties the way other towns do those businesses would likely have chosen different more appropriate locations than our small little bedroom community.

Our house is long, and about half of it could be closed off and used for my husband's mother. We were told that if we did this, then we would need to install a new septic system or additional tank beside the existing. This would mean new PERC testing and new drainage in the leaching field. All this of course is super expensive.

The house would not have changed at all, except a door locked in the middle and instead of three people we would have four living here on the property.

In zoning for additional ADU, please be sure that any new opportunities to create more housing are not "automatically" killed by septic rules. Some flexibility and reason must be built into the zoning to allow it to work.

I think it might not be clear for people what the difference is between commercial and industrial development. In future it might be good to provide examples like you did for housing.

A business park is never mentioned. I forgot to write in my survey that this could be interesting use of land near 128.
(I also wonder if you have looked at the business park building that sits at the border with Wenham and can tell residents why that is not very successful. Too old? Or does it bring in good revenues? Does zoning provide standards owners must keep buildings, or require revitalization?)

Finally, the map you provided showing water protection zoning… is all that area valid and that truly needed? Who created it?
The water protection zoning appears to vastly reduce opportunities to build for growth and fiscal responsibility.

The neighboring Town, Manchester-by-the-Sea is creating a Light Commercial District near / not too far from the border with Essex and I'd like to propose we create an LCD too …. one that might be linked by a road to the one in Manchester to create a synergy of a larger area bring benefits to both Essex and MBTS. Can one build in the water protection area? Especially up by Rt 128?

Appendix D:
Town of Essex CPC Most Recent Annnual Report

COMMUNITY PRESERVATION COMMITTEE

ATM 2025 Annual Report

Essex approved the Community Preservation Act at the Annual Town Meeting on May 14, 2007, and at the Town Election of 2007. The original .05% surcharge on local Real Estate Taxes was increased to 1.5% by 2015 Fall Town Meeting and 2016 ballot. This represents the Town's contribution to the local CPA fund. The second source of funding is from the State Matching fund collected from a fee on Real Estate transactions statewide.

A minimum of 10% of the annual fund must be allocated to each of the following areas: open space, historical preservation, and affordable housing. Up to 5% of the annual funds can be spent on administrative and operating expenses of the CPC. The remaining 65% of the annual funds can be spent in any of the previously defined areas and in addition, for public recreation. The final acceptance of any recommendation by the CPC for allocations and spending in each of the four areas must be approved by the citizens of Essex at a Town Meeting. Specific guidelines established by the CPA ascertain which type of projects can be funded in each of the four categories.

The Committee is a member of the Community Preservation Coalition, which is an organization made up of most of the CPA communities in the Commonwealth. The organization provides training, advice, and advocacy for Community Preservation Communities.

Annual Town Meeting 2024 approved the appropriation of the following:

Spring Street Tomb Repairs	$3,500 from Historic Preservation Fund Balance
CPC Administrative Expenses FY25	$14,272
Total	$17,772
Fall Town Meeting 2024 - No appropriations.	$0
Total Calendar 2024 Approved Appropriations:	$17,772

Current members of the Committee are identified below.

Respectfully Submitted,

Commission Members

Name	Title	3-Yr Term Expires	Contact Information
Jay Tetzloff	Chair, Historical Commission	6/30/26	612-669-9943 jay.tetzloff@gmail.com
Peter Levasseur	Planning Board	6/30/26	
Vacancy	DPW – Water Department	6/30/26	
Cliff Ageloff	Conservation Commission	6/30/26	
Michelle French	Housing Authority	6/30/25	
Alison Taylor	Selectmen Appointment	6/30/25	
Vacancy	Selectmen Appointment	6/30/26	

Completed Projects that can have unspent funds returned to original "buckets":

Projects in Flight as of FYE 2024	Meeting Date	Article	Unspent Balance	Requestor	Contact	Status per CP-3 Report	Status Date
A30/ATM/6-13-20 Housing Authority Exterior Walkway	6/13/2020	30	$10,231			Complete	9/9/24
A30/ATM/6-13-20 School House Climate Control	6/13/2020	30	$9,000			Complete	9/9/24
A30/ATM/6-13-20 Hearse House Preservation Repairs	6/13/2020	30	$8,755			Complete	9/9/24
A22/ATM/5/15/22 Repair of Historic Cogswell Tomb	5/15/2022	22	$2,500			Complete	9/9/24
ATM05/20 ART 24 Housing Auth Painting Completion	5/6/2019	24	$1,911			Complete	9/9/24
ATM05/18 ART 23 School House	5/7/2018	23	$1,224			Complete	9/9/24
A12/11-16-15FTM Spring Street Fence Add'l	11/16/2015	12	$445			Complete	9/9/24
Total Completed Projects with Unspent Funds that can be returned			**$34,066**				

Current projects in progress:

Projects in progress as of FYE 2024	Meeting Date	Article	Unspent Balance	Requestor	Contact	Status per CP-3 Report	Status Date
A12/11-16-15FTM Preserve T.H. Vault Items	11/16/2015	12	$260			In Progress	9/9/24
A5/11-15-21/ATM/Tennis Courts	11/15/2021	5	$49,999			In Progress	9/9/24
A22/5/15/21/ATM Historic Pumper Fire Shed	5/15/2021	22	$13,080	BOS	Brendhan Zubricki	In Progress	9/10/24
Affordable Housing Trust Reserve	5/1/2023		$100,000	Affordable Housing Trust	Ruth Pereen	In Progress	9/9/24
Centennial Grove Restrooms	11/1/2023		$275,000	Economic Development Committee	Jodi Harris	In Progress	9/10/24
Affordable Housing Trust Reserve	11/1/2023		$100,000	Affordable Housing Trust	Ruth Pereen	In Progress	9/9/24
Folsom Pavilion Construction	11/1/2023		$60,390	Economic Development Committee	Jodi Harris	In Progress	9/9/24
Town Pound Stone Wall Restoration	11/1/2023		$12,650	Historical Commission	Jay Tetzloff	In Progress	9/9/24
Essex Shipbuilding Museum Repairs	11/1/2023		$2,164	Shipbuilding Museum	KD Montgomery	In Progress	9/9/24
CPC FY25 Administrative Expenses	5/1/2024		$14,272	Community Preservation Committee	Jay Tetzloff	N/A	9/9/24
Subtotal In-Flight as of FYE 2024:			**$627,815**				
New FY 2025 Approved Projects							
FTM	11/13/2024	N/A	**$0**				
Total CPC Projects in Progress as of 12/31/2024			**$661,882**				

Appendix E:
Fair Housing and Resident Selection Guidelines

Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines

Updated May 2013

Affirmative Fair Housing Marketing
and Resident Selection Plan

A. Introduction

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 privately assisted housing or housing for inclusion on the Subsidized Housing Inventory (SHI) shall have an Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP). With respect to rental housing and Assisted Living Facilities, t*he 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 affordability 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), as may be amended from time to time. In the case of M.G.L. c.40B projects and other projects subsidized by a Subsidizing Agency, 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 Owner and/or the entity with which the Developer has contracted to carry out any or all of the tasks associated with an AFHMP.

B. 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:

1. 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.

2. The entity has the capacity to address matters relating to limited English language proficiency. This shall include language access planning and providing reasonable language assistance, at no cost to the applicant, so that applicants with Limited English Proficiency ("LEP") may meaningfully apply and access

the housing opportunity.[1] Marketing informational materials must therefore provide notice of free language assistance to applicants, translated into the languages of LEP populations anticipated to apply.

3. "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.

C. Affirmative Fair Housing Marketing Plan

1. Duration

The Developer and contractor, if any, or other delegated entity, shall review and update the AFHMP at least every five years, or more frequently if relevant demographics change, or as otherwise needed in order to ensure compliance with applicable law and DHCD's AFHMP guidelines, as may be amended from time to time (or any successor guidelines or directives).

(May 2013 Update: Addition of language on duration; no change in policy.)

2. Contents

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

a. 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.

b. A description of the eligibility requirements.

c. A description of the rules for applying and the order in which applications will be processed.

d. Lottery and resident selection procedures.

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

f. 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.

g. Application materials including:

(1) The application form.

[1] See DHCD's Language Access Plan at http://www.mass.gov/hed/docs/dhcd/hd/fair/languageaccessplan.pdf for information about language access planning obligations and requirements.

(2) A statement regarding the housing provider's[2] obligation not to discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance recipiency, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law, and such a statement must also be included in the application materials.

(3) Information indicating that persons with disabilities are entitled to request a reasonable accommodation in rules, policies, practices, or services, or to request a reasonable modification in the housing, when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the housing.[3]

(4) An authorization for consent to release information.

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

i. The Developer and contractor, if any, shall sign the AFHMP document as follows:

"As authorized representatives of [Developer] and [contractor], respectively, each of us has reviewed this plan and agrees to implement this AFHMP, which shall be made effective as of the approval date. Further, by signing this form, [Developer] agrees to review and update its AFHMP as necessary in order to comply with all applicable statutes, regulations, executive orders and other binding DHCD requirements pertaining to affirmative fair housing marketing and resident selection plans reasonably related to such statutes, regulations, executive orders, as same may be amended from time to time. We hereby certify that all the information stated herein, as well as any information provided herewith, is true and accurate.

Note: The Developer shall *not* utilize the HUD AFHMP form unless required to submit an AFHMP to HUD for review and approval.

3. Approval

The Subsidizing Agency must approve the AFHMP before the marketing and application process commences.

4. Applicability

Aside from the advertising component of the AFHMP, which applies to all units, the AFHMP shall be applied to affordable units 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*.

[2] Note: housing providers include owners of accessory apartments and their agents.

[3] 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 person with a disability 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.

5. Criminal Background Checks

Criminal background checks are not required under these AFMHP guidelines. However, if criminal background inquiries and checks will be utilized during the application process, the use of such inquiries and checks are subject to the approval of the Subsidizing Agency. Criminal background screening shall not be conducted as a precondition for applicant participation in the lottery. For further guidance on criminal background screening, see the Model Policy Regarding Applicant Screening on the Basis of Criminal Records, available at http://www.mass.gov/hed/economic/eohed/dhcd/legal/fair-housing-and-civil-rights-information.html

(May 2013 Update: New requirement for signature/certification of AFHMP submissions; advice on use of HUD form; and new language on CORIs but no change in policy.)

6. Outreach and Marketing

Marketing should attract residents outside the community by extending to the regional statistical area as well as the state and must meet the following requirements:

a. 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.

b. Affordable units in the Boston Metropolitan Statistical Area (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).

c. Accessible[4] units must be listed with MassAccess (see http://www.chapa.org or http://www.massaccesshousingregistry.org) whenever they become available (including upon turnover).

d. Affordable rental and affordable ownership units, whether or not they are accessible, must also be listed with MassAccess whenever they become available (including upon turnover). Where applicable, all MassAccess data input fields relating to accessible and adaptable status and accessibility features must be completed. Available affordable ownership units must also be listed with the Massachusetts Affordable Housing Alliance website (see http://www.mahahome.org or http://www.massaffordablehomes.org).

e. 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.lep.gov/demog_data/demog_data.html.

[4] 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.

f. 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, as well as the dates of the advertising unless affirmative advertising occurs first, should be comparable across regional, local, and minority newspapers.

g. All advertising and marketing materials should indicate resident selection by lottery or other random selection procedure, where applicable.

h. All advertising should offer reasonable accommodations in the application process.

i. 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.

j. Pursuant to fair housing laws,[5] advertising/marketing must not indicate any preference or limitation, or otherwise discriminate based on race, color, disability, religion, sex, familial status, sexual orientation, gender identity, national origin, genetic information, ancestry, children, marital status, or public assistance recipiency. This prohibition includes phrases such as "active adult community" and "empty nesters". Exceptions may apply if the preference or limitation is pursuant to a lawful eligibility requirement.

k. All advertising and marketing materials portraying persons should depict members of classes of persons protected under fair housing laws, including majority and minority groups as well as persons with disabilities.

l. 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 .

(May 2013 Update: Clarification on MassAccess requirements; the specific references to examples of prohibited phrases in #8; no change in policy.)

7. Availability of Applications

Advertising and outreach efforts shall identify locations where the application can be obtained. **Applications shall be available at public, wheelchair accessible locations, including one that has some night hours; usually, a public library will meet this need.** The advertisements and other marketing materials shall include a telephone number, as well as the TTY/TTD telephone number, that persons can call to request an application by mail. Advertisements and other marketing materials cannot indicate that applicants must appear in person in order to receive or submit applications or that they will be have an advantage over applicants who do not appear in person.

8. Informational Meeting

At the time of initial marketing, 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

[5] 42 U.S.C. § 3604(c); M.G.L. c. 151B, § 4(7B).

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.

9. 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 cannot 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.

D. Local Preferences

1. Threshold Requirements

a. Required Supporting Documentation

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

(1) Demonstrate in the AFHMP the need for the local preference. For instance, a community that has a subsidized rental housing or public housing waiting list with local applicants likely to apply for the project (whether or not the project provides rental assistance will be considered) *may* support a local preference for a rental development.

(2) Justify the extent of the local preference (the percentage of units proposed to be set aside for local preference). That is, how does the documented local need, in the context of the size of the community, the size of the project and the regional need, justify the proposed size of the local preference for a given project? *Note, however, that in no event may a local preference exceed 70% of the (affordable) units in a Project*.

(3) Demonstrate that the proposed local preference will not have a disparate impact on protected classes (see e.g., the "Avoiding Potential Discriminatory Effects" section below).

b. Failure to Provide Supporting Documentation

A municipality must provide to the Developer the documentation required to support a local preference within 3 months of final issuance of the Comprehensive Permit. Failure to comply with

this requirement shall be deemed to demonstrate that there is not a need for a local preference and a local preference shall not be approved as part of any AFHMP or use restriction.

2. Approval

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 any zoning mechanism. Furthermore, a comprehensive permit shall only contain requirements or conditions relating to local preferences to the extent permitted by applicable law and this AFHMP policy.

(May 2013 Update: Clarification on what is required to establish the local preference set-aside.)

3. Local Preferences

a. 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.

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

c. **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**.

d. 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.

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

f. 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.

4. Avoiding Potential Discriminatory Effects

a. General.

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 ("MSA") as described below.[6] 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. For instance, a preference solely based on employment in the municipality may have a disparate impact on the elderly or some persons with disabilities. In such instance, an applicant residing in the community who is age 62 or older or is a person with a disability must be given the benefit of the employment preference.

b. Lottery Process

(1) 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.

(2) 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:

(a) 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.

(b) 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.

(c) Applicants should be entered into all pools for which they qualify. For example, a local resident should be included in the local preference pool and the open pool.

(d) 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.

E. Household Size Requirements

[6] 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.

In order to make the best use of limited affordable housing resources, household size should be appropriate for the number of bedrooms in the home. Minimum household standards shall be established and shall conform with the following requirements. 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.

1. Preferences.

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 below.

a. First 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:

(1) There is at least one occupant per bedroom.[7]

(2) 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.

(3) 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.

(4) A household may count an unborn child as a household member. The household must submit proof of pregnancy with the application.

(5) If the applicant is in the process of a divorce or separation, the applicant must provide proof that the divorce or separation has begun or has been finalized, as set forth in the application.

b. Second Preference

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.

c. Third Preference

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

2. Maximum Household Size

Household size shall not exceed, nor may maximum allowable household size be more restrictive than, State Sanitary Code requirements for occupancy of a unit (See 105 CMR 400).[8]

[7] Households with disabilities 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.

A. Lotteries and Application Process

1. Lottery Application

a. "First Come, First Served"

Resident selection for affordable units 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.[9] A "first-come, first-serve procedure," generally is not permissible as it is likely to disadvantage non-local applicants or may otherwise present an impediment to equal housing opportunity for some applicants, including some applicants with disabilities. However, first-come, first-serve may be permissible in circumstances for which a lottery or other random selection procedure would be unduly burdensome or impracticable, including for individual homeownership units after the initial lottery.

b. Application Period.

The application period should be at least 60 days. To ensure the fairness of the application process, applicants must not be required to deliver application materials and instead must be permitted to mail them or submit by alternative means such as fax or e-mail.

c. Application Contents and Verification

(1) The lottery application must address a household's income, assets, size and composition, minority status (optional disclosure by the household), eligibility as a first-time buyer (for ownership units), and eligibility for local preference

(2) The lottery administrator shall request verification to verify eligibility; e.g., for homeownership units, three prior year tax returns with the W2 form and for rental housing, one year prior tax return 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. **Only applicants who meet the applicable eligibility requirements shall be entered into a lottery.**

(May 2013 update: clarification that "first come, first serve" generally is not permitted as a selection process.)

2. Lottery Procedure

a. General

(1) Once all required information has been received, qualified applicants should be assigned a registration number. **Only applicants who meet the applicable eligibility requirements shall be entered into a lottery.[10] The lottery shall be conducted after**

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

[9] 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.

[10] Only applicants who are eligible for a local preference, where applicable, shall be entered into a local preference lottery pool.

any appeals related to the project have been completed and all permits or approvals related to the project have received final action.

(2) 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.

(3) The lottery should ordinarily be held at a public, wheelchair accessible location.

b. Deposits/Fees

(1) Prohibited - Successful lottery participants cannot be required to pay any fee or deposit to hold a unit pending construction completion nor can applicants be required to pay any form of fee or deposit to be placed on a wait list.

(2) Permitted – The foregoing language shall not prevent an Owner from requiring a deposit from a home buyer upon signing an offer and/or purchase and sales agreement, nor at the time that the Owner is offering to lease a specific rental unit to the applicant household. In the latter instance, the deposit shall not exceed the amount that the Owner would otherwise be permitted to require as a security deposit.

c. Accessible Units/Units with Adaptive Features; Reasonable Accommodations

(1) If the project includes units that are fully accessible, or units that have adaptive features (also commonly referred to as "adaptable" units), for occupancy by persons with mobility impairments or hearing, vision or other sensory impairments, first preference (regardless of applicant pool) for those units shall be given to persons with disabilities who need such units, including single person households, in conformity with state and federal civil rights laws. This preference applies to fully accessible units (e.g., in projects in which 5% of the total units are to be wheelchair accessible and 2% are to be communications accessible in accordance with applicable accessibility standards).[11] In projects that do not have such units but that have units with adaptive features[12] for persons with mobility impairments and/or hearing, vision or other sensory impairments, this preference also applies to the units with adaptive features; however, such a preference is not required to exceed 5% (mobility) or 2% (sensory) of the total units under these guidelines.

(2) Fulfilling the obligation for a providing a first preference, as described above, does not limit an owner's fair housing obligations with respect to persons with disabilities. When a person with a disability is the next eligible applicant and the development contains available units with adaptive features, the applicant must be made aware of such availability and of the owner's obligation to adapt the unit as needed.

[11] e.g., Massachusetts Architectural Access Board (MAAB) ("Group 2 units"), Uniform Federal Accessibility Standards (UFAS), and 2010 ADA Standards.

[12] e.g., in accordance with the Fair Housing Act Guidelines and MAAB ("Group 1 units") standards.

(3) The owner also has obligations to make reasonable accommodations such as granting the request for an appropriately sized first floor unit.

d. Wait Lists

(1) General - The lottery administrator should retain a list of households who are not awarded a unit, in the order that they were drawn from the general (non-local) pool. 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.

(2) Units with Adaptive Features - Where a person with a disability is awaiting an accessible unit and a unit with adaptive features becomes available, the owner/management agent must offer to adapt the unit.

(3) Term of Wait List - The wait list generally may 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.

(4) Updating - 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.

(May 2013 Update: Clarification on deposit policy and fair housing requirements with respect to accessible and/or adaptive units; no change in policy.)

3. 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-Cambridge-Quincy Metropolitan Statistical Area which has a minority population of 27.0%.

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

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

c. 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 metropolitan statistical area (16.7% as opposed to 27.0%), a preliminary lottery is required.

d. 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, 9 applicants will be added to the LOCAL preference pool to bring the percentage of minority applicants up to 21.827.5%.

Total Applicants in Supplemented Local Preference Pool	Total Minority Applicants in Supplemented Local Preference Pool	% Minority Applicants in Supplemented Local Preference Pool
69	19	27.5%

e. 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.

f. 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.

4. Rental: Opening Waiting Lists, Re-Marketing or Continuous Marketing

Although owner/management agent standards for opening waiting lists or re-marketing to generate sufficient applications after the initial rent-up stage may vary, the following are generally applicable: the waiting list is re-opened when it contains less than the number of applicants anticipated to be placed in the next 12 months, or, if the waiting list has not closed, additional marketing is ~~needed~~ undertaken to generate at least enough applicants as was needed to fill the previous year's vacancies.

a. Minimum Application Period

At such or similar points in time, consistent with a Developer or management agent's policies and practices with respect to marketing and wait lists, when a wait list (whether for a project or a particular unit type) is re-opened or units are remarketed, a minimum application period during which applicants may receive and submit applications is required. The appropriate length of the application period may vary depending on the number of units that are or will become available. In some instances 20 or more business days will be appropriate, but in no event shall the application period be less than 10 business days.

b. "First Come, First Served"

A "first-come, first-serve" method of generating the waiting list order of new applicants that apply during said application period shall not be permitted as it may present an impediment to equal housing opportunity for some applicants, including some applicants with disabilities. Therefore, a random selection or other fair and equitable procedure for purposes of adding persons to a wait list upon opening the wait list or remarketing the units must be utilized, subject to the approval of the

Subsidizing Agency.[13] This does not require any changes to the wait list as it exists prior to adding the new applicants.

c. Continuous Marketing/Persons with Disabilities

If the wait list is not closed and marketing is ongoing continuously in order to generate sufficient applicants, then, so as to avoid a disparate impact on persons with disabilities who require a reasonable accommodation with the application process, including additional time to receive, complete and/or submit an application, and who therefore may be disadvantaged by wait list placement based upon the date/time of receipt of the application, the application will be date/time stamped prior to being mailed or otherwise provided to such applicants and upon submission of a complete application the household shall be placed on the wait list based upon such date/time stamp, *provided that* the application is returned or postmarked not more than 30 days of such date/time stamp. The ongoing affirmative and general marketing/outreach materials will contain language that explicitly gives notice of the availability of reasonable accommodations with respect to the application process and a telephone number for applicants who may want to request a reasonable accommodation and/or assistance with the application process.

For marketing requirements, see "Outreach and Marketing" and "Availability of Applications" under Sections B.6 and B.7, above.

(May 2013 Update: Explicit standards for re-opening rental housing waiting lists or re-marketing rental units.)

B. 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

[13] Note: the random selection procedure requirement does not preclude the application of the larger household size and accessible/adaptable preferences described herein.

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

a. Securing Financing.

(1) 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.

(2) The Developer should invite the lottery winners to a loan application workshop.

(3) 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. However, **applicants cannot be required to use a specific lender for their pre-approval letter or their mortgage.**

(4) Applicants should be made aware that they should confirm that their lender accepts the "Universal Deed Rider" employed by the Subsidizing Agencies.

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

b. Approval by Subsidizing Agency

Before a Purchase and Sale Agreement is signed, the lottery agent should submit income and asset documentation of the applicant to the Subsidizing Agency. 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 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 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 approval of the buyer's financing.**

3. Resales

a. Ongoing AFHMP Requirements

AFHMP requirements apply to the housing for its duration. The AFHMP must include a plan, satisfactory to the Subsidizing Agency, 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's MassAccess site 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.

b. "Ready-Buyer" List

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 F:
Presentations to the committee (engagement summary)

Welcome Home Essex

Affordable Housing Trust Committee

April 24, 2025

John Cruz, AICP, MAPC
Emma Yudelevitch, MAPC



Welcome Home Essex

Agenda



- Webinar Results
- Draft Housing Sites
- Draft Housing Goals
- Next Steps



Webinar Results

What we learned in January

Webinar Key Takeaways

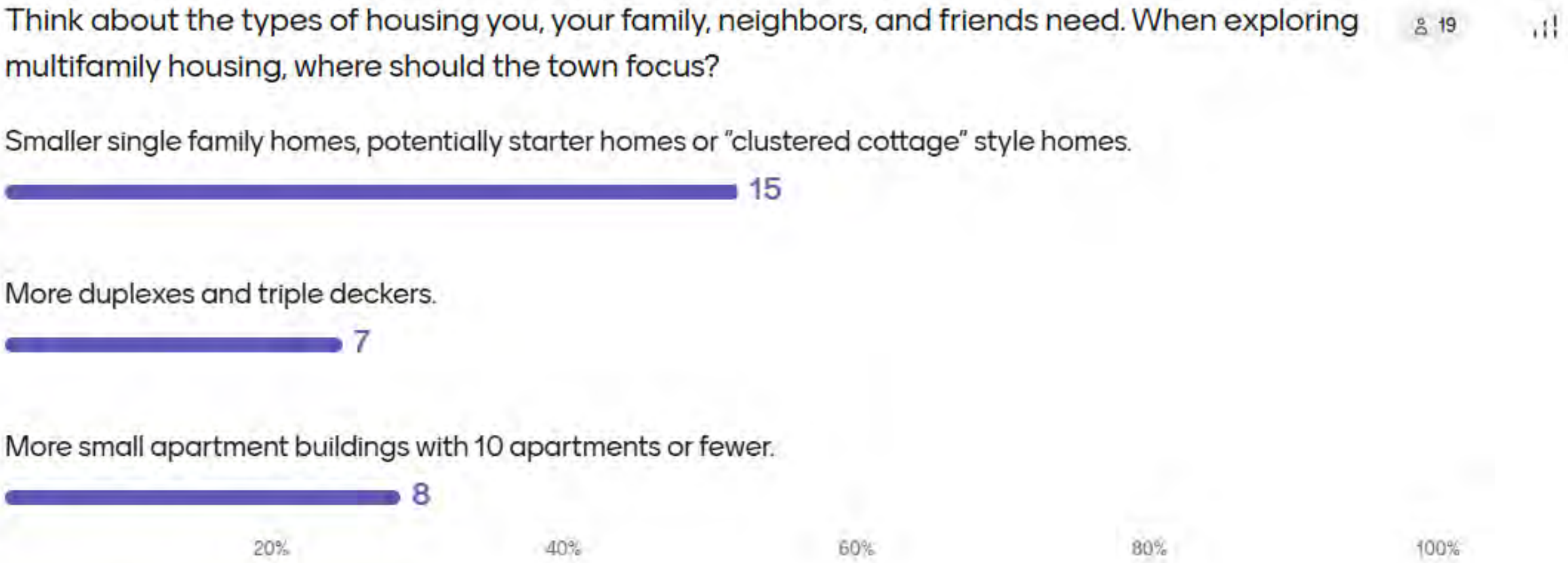
- 13 to 19 live survey participants.
- Asked about:
    - Household Size + Fit
    - House Scale + Type
    - Cost Burden
    - Development Constraints



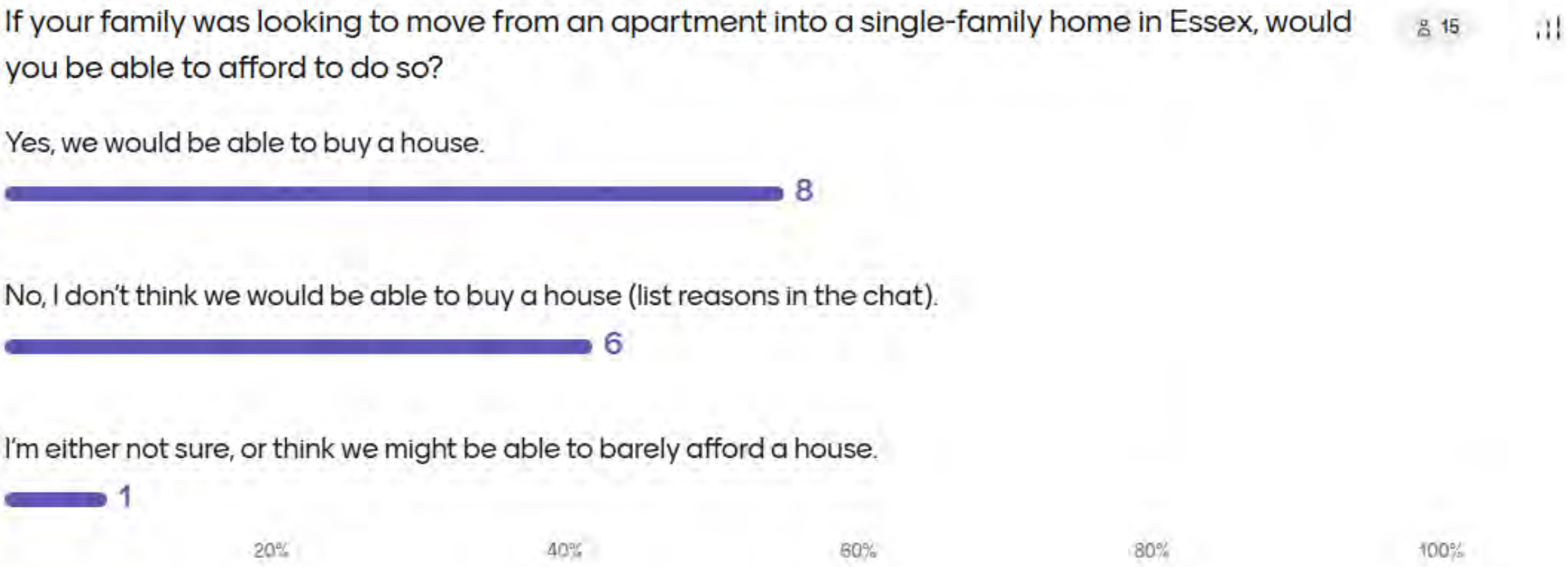
Household Size + Fit



House Scale + Type



Cost Burden Experience



Development Constraints

Are there other development constraints we should be considering? Let us know!

4 7

land owned by conservations groups such as MECT, Greenbelt, Trustees. Great causes but also limits available Essex Land.

Already having trouble paying school costs; more housing, especially "affordable" housing will make this much worse. Open space is what makes Essex special. We don't want to ruin it.

Sea level rise will impact areas of Essex.

Taxpayers are not going to be happy about subsidizing housing (paying more) for new residents who do not pay their fair share of real estate taxes.

Protect open green spaces even if not officially protected. Environment is so important.

Severely limited sewer capacity.

Build affordable housing on major roads where there are already buildings rather than spoil rural agricultural land and green spaces.



Draft Goals and Strategies

For the Housing Production Plan

The relationship between goals and strategies.

The goal is where we are going, the strategies are how we get there.

Because a single strategy may help achieve more than one goal, there will be a "many to many" relationship between the strategies and goals.

Strategies will be developed by the planning team and taken to the committee for review, followed by public engagement.

This is a skeleton of what a goals / strategies table will look like:

Strategy	Goal 1	Goal 2	Goal 3	Goal 4
Lorem Ipsum		X		
Upsum Dolor	X		X	
Lipsum isom		X		X

Draft Goal 1

Expand housing options for small-scale housing options.

Encourage and expand options in Essex for the following housing types:

- ADUs
- Tiny homes
- Duplexes Triplexes
- Mixed-use housing
- Townhouses
- Cottage houses

Draft Goal 2

Continue to proactively encourage or discourage conversion of full-time units to seasonal based on their location.

- Some units are in locations that are dangerous and unsafe during the winter and seasonal conversion is encouraged.
- In other parts of town, seasonal units should be limited / discouraged.

Draft Goal 3

Receive Designation as a Housing Choice Community.

- Will allow the town to receive funding from state grant sources.
- Town will have to demonstrate “housing choice best practices”

Draft Goal 4

Ensure that housing needs are addressed through a sustainability and conservation lens.

- Maintain existing recreation space.
- New housing works towards climate resiliency and advances clean energy initiatives.

Draft Goal 5

Address housing need at every income level by developing more deed-restricted Affordable Housing.

- “Capital A affordable housing”.
- In partnership with:
  - Housing Authority
  - Non-profit developers
- Targeted affordable mix: low, very low, and moderate-income residents

Draft Goal 6

Target Housing Development in the Essex Downtown District EDD.

- Target and encourage housing development in Essex's downtown, especially for multi-family development.
- Encourage greater density around the EDD.

Draft Goal 7

Continue the funding and expansion of the Essex Municipal Affordable Housing Trust.

- Explore additional funding options
  - Developer incentives.
  - IZ bylaw with Fee-in-Lieu for bypassing requirements.
  - Developer fees.

Draft Goal 8

Work to actively preserve all units on the SHI.

- Work with the housing authority.
- Ensure that units do not fall off the SHI for any reason.

Draft Goal 9

Pursue strategies for infill and redevelopment.

- Limited vacant land for new development.
- Land that is vacant often has severe challenges and development constraints.

Draft Goal 10

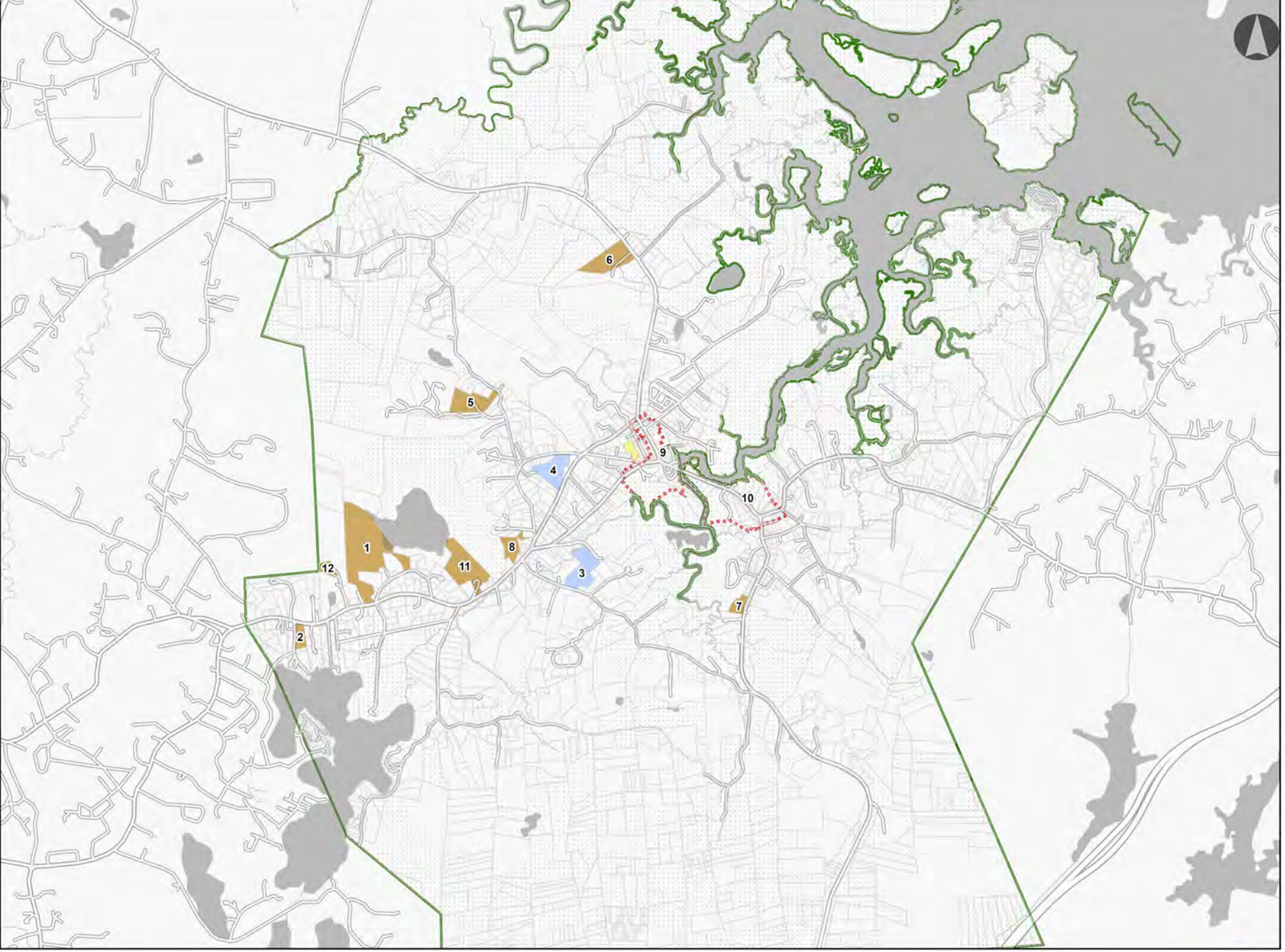
Adopt zoning and incentive strategies that will advance affordable housing production.

- Affordable housing production incentives (density bonus, starter-home/aging in place programs, etc.).
- Zoning change recommendations.



Draft Housing Sites

Required by EOHLC for HPP approval



Welcome Home Essex

Essex HPP
Potential Housing Sites

- Essex Boundary
- Parcels
- Excluded Land
- Housing Authority Housing
- Essex's Downtown District

Potential Housing Sites

- Potential Affordable Housing Site
- Potential AH or Elementary School

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111
(617) 933-0700

Data Sources: MAPC, EOHLC, MassGIS, MassDOT

April 2025

0 0.25 0.5 1 Mile

MAPC

Draft Site #1

25 County Road

Size 41.8 acres

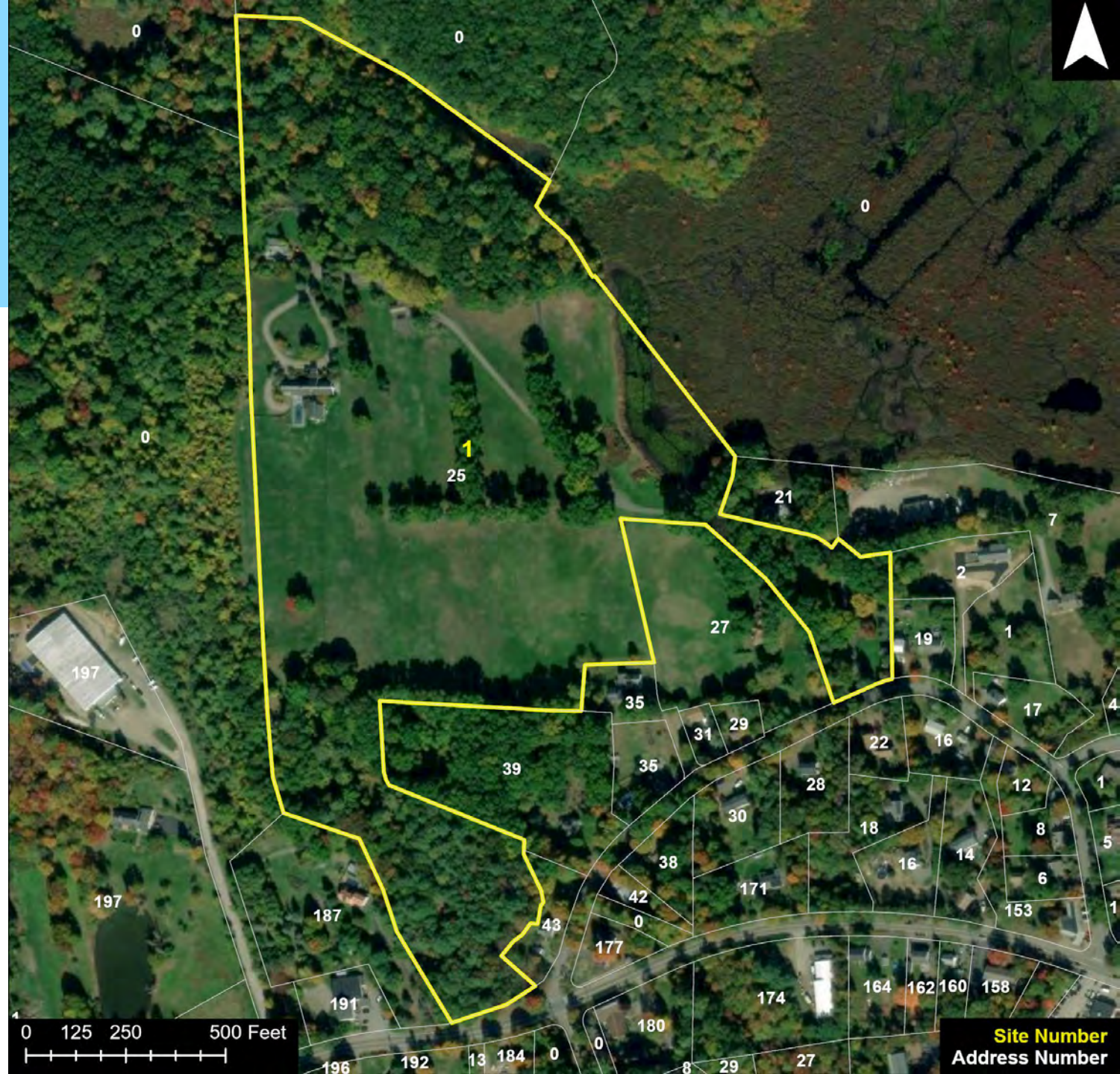
Current Use Single Family

Adjacent Uses Single Family / Vacant

Water / Sewer? Yes

Multifamily Suitability Excellent

Constraints The northern portion of the parcel is critical natural landscape (trees north of the house and to the east).



Draft Site #2

0 Red Gate Road

Size 3.4 acres

Current Use Vacant

Adjacent Uses Single Family / Vacant

Water / Sewer? Yes

Multifamily Suitability Moderately High

Constraints A portion of the parcel is in a Wellhead Zone II overlay, it's about 6,800 sq ft in the southeast corner. This will not be an issue for development.



Draft Site #3

30 Apple Street

Size 11.5 acres

Current Use Vacant

Adjacent Uses Single Family / Transfer station

Water / Sewer? Yes, for water. Sewer would need connectivity. It ends at the northern tip of the parcel.

Multifamily Suitability Excellent

Constraints 1% Annual flood area in the northwest forested portion of the site. This will not be an issue for development. Site may be used for elementary school in the future.



Draft Site #4

12 Story Street

Size 9.9 acres

Current Use Elementary School

Adjacent Uses Single Family

Water / Sewer? Yes

Multifamily Suitability: Excellent

Constraints Small freshwater pond in the southeast corner of the site, which will not impact development. Site may continue to be an elementary school in the future.



Draft Site #5

36 Belcher Street

Size 11.1 acres

Current Use Single Family

Adjacent Uses

Water / Sewer? Yes, for water. No sewer access.

Multifamily Suitability: Moderate

Constraints Wastewater would have to be managed on-site. The Western third of the parcel is part of a critical natural landscape, which may be a development concern.



~~Draft Site #6~~

94 John Wise Avenue

Size 12.7 acres

Current Use Single Family / Agriculture

Adjacent Uses Single Family / Agriculture

Water / Sewer? Yes, for water. No sewer access.

Multifamily Suitability: Moderate

Constraints The portion of the site with agriculture use (southwest) is part of the critical natural landscape. In this instance it is an extended buffer for encouraging biodiversity; development would not directly impact protected species. A portion of the site is a FEMA X flood zone, with a 0.2% chance of an annual flood. Wastewater would have to be managed on-site unless the sewer line is extended by 5 parcels. The single-family home, the Benaiah Titcomb House (1700), is listed on the National Register of Historic Places.

MAPC does not recommend moving forward with this site.



Draft Site #7

89 Southern Avenue

Size 3.3 acres

Current Use Single Family

Adjacent Uses Single Family / Vacant

Water / Sewer? Yes

Multifamily Suitability: Excellent

Constraints There are marine wetlands which border the southwest corner of the parcel. This does not present an immediate challenge to development. Sea level rise will begin to impact the parcel around the year 2070, but even if there is a 10ft rise the impacts will not go beyond the southwest corner.



Draft Site #8

103 Western Avenue

Size 5.6 acres

Current Use Single Family

Adjacent Uses Single Family / Vacant

Water / Sewer? Yes

Multifamily Suitability: Excellent

Constraints Parcel shape may lead to development challenges.



Draft Site #9

44 Main Street

Size 0.54 acres

Current Use Antique Store (Closing, to be demolished)

Adjacent Uses Commercial

Water / Sewer? Yes

Multifamily Suitability Excellent

Constraints None



Draft Site #10

148 Main Street

Size 0.33 acres

Current Use Former B&B

Adjacent Uses Mix of commercial and residential, both single and multifamily are nearby.

Water / Sewer? Yes

Multifamily Suitability Moderate

Constraints Affordable Housing on this site would likely be limited to adaptive re-use of the existing principal structure for 5-7 units. Rear portion of the site has around 2,400 sq ft that are part of a 1% annual flood area. This floor area will likely be underwater in 2070 due to climate change; however, the principal building and surrounding area is not likely to be directly impacted.



Draft Site #11

125 Western Avenue

Size 17.69 Acres

Current Use Lumberyard

Adjacent Uses Single Family / Vacant

Water / Sewer? Yes

Multifamily Suitability: Excellent

Constraints In the northwest portion of the parcel (the "point") there is a wetland that is in a FEMA X zone with a 0.2% chance of an annual flood. That area is also part of critical natural landscape and a protected species habitat. The rest of the parcel is developable without constraint concerns.



Draft Site #12

197 Western Avenue

Size 2.8 acres

Current Use Factory

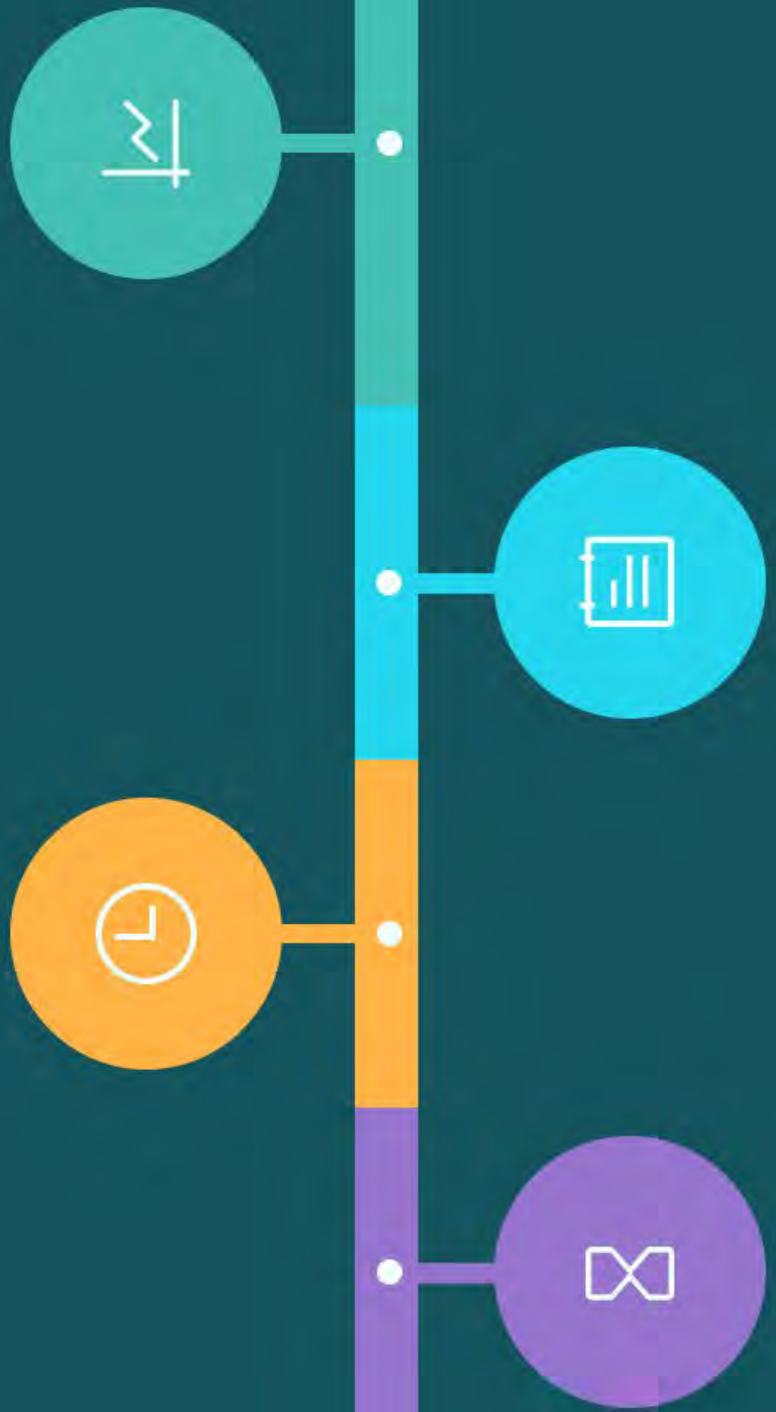
Adjacent Uses Residential, Commercial, Vacant Land

Water / Sewer? Yes

Multifamily Suitability: Excellent

Constraints The property line does not extend to the street, and the access road is part of an adjacent property.





Timeline & Upcoming Meetings

Where we are. Where we're going.

HPP Timeline

EXPLORING AND DATA GATHERING

- Project Startup
- Strategizing
- Housing Needs Assessment
- Public Engagement

2024 - 5
Q4 - Q1

CONSTRAINTS & OPPORTUNTIES

- Land use and zoning audit
- Draft site selection
- Constraints analysis
- Housing type / design

2024 - 5
Q4 - Q1

GOALS + STRATEGIES

- Refine site selection
- Draft goals
- Draft strategies
- Public Engagement

2025
Q1 – Q2

FINAL PLAN & DELIVERABLES

- Refine goals and strategies
- Draft Housing Plan
- Executive summary
- Educational Materials

2025
Q3 – Q4

ADOPTION & PROJECT CLOSE

- Public Comment period
- Joint Select and Planning Board meeting
- Vote for plan adoption

2025
Q4

Some of these items and groupings are fluid since some items have dependences and others do not.

Committee Meeting Timeline

MEETING #2

- Discuss housing needs assessment findings
- Project messaging
- Prepare for first engagement event

2024

Q3 – Q4

MEETING #3

- Review constraints and opportunities
- Debrief the first public engagement event
- Provide input on housing strategies

2024 - 5

Q4 - Q1

MEETING #4

- Prepare draft goals and strategies for the public.
- Discuss feasibility of strategy recommendations.
- Prepare for second engagement event

2025

Q1 – Q2

MEETING #5

- Debrief second engagement event.
- Finalize goals and strategies as needed

2025

Q3 – Q4

MEETING #6

- Review of draft plan
- Reaching consensus on recommendations, goals, strategies

2025

Q4

The process is scoped to have six total committee meetings for this project.



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Thank you!

Welcome Home Essex

Affordable Housing Trust Committee

August 27, 2025

John Cruz, AICP, MAPC

Sukanya Sharma, MAPC



Welcome Home Essex

Agenda



- Survey Results
- Draft Housing Sites
- Draft Goals and Strategies
- Next Steps



Survey Results

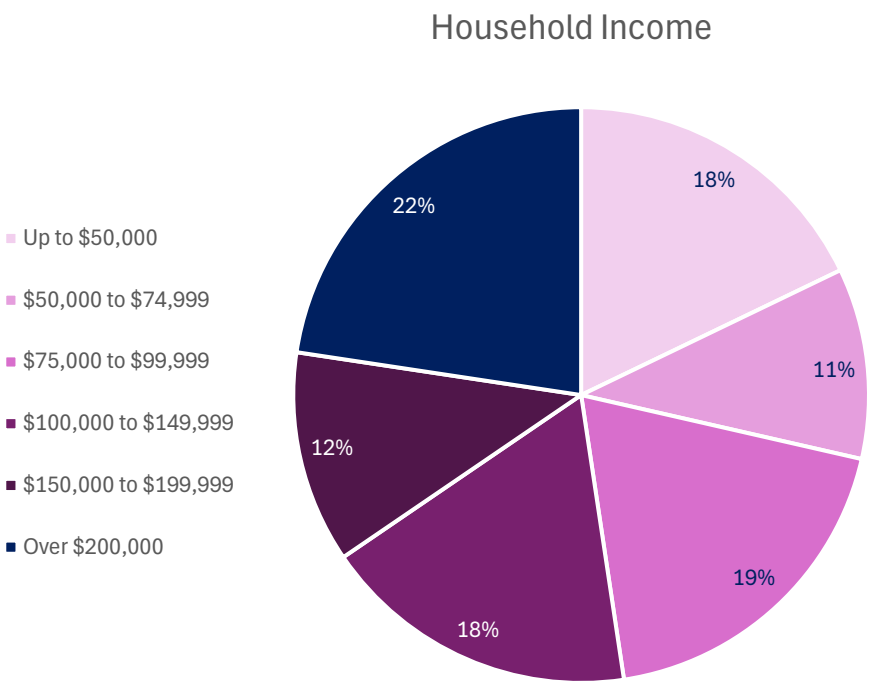
What we learned in from the residents

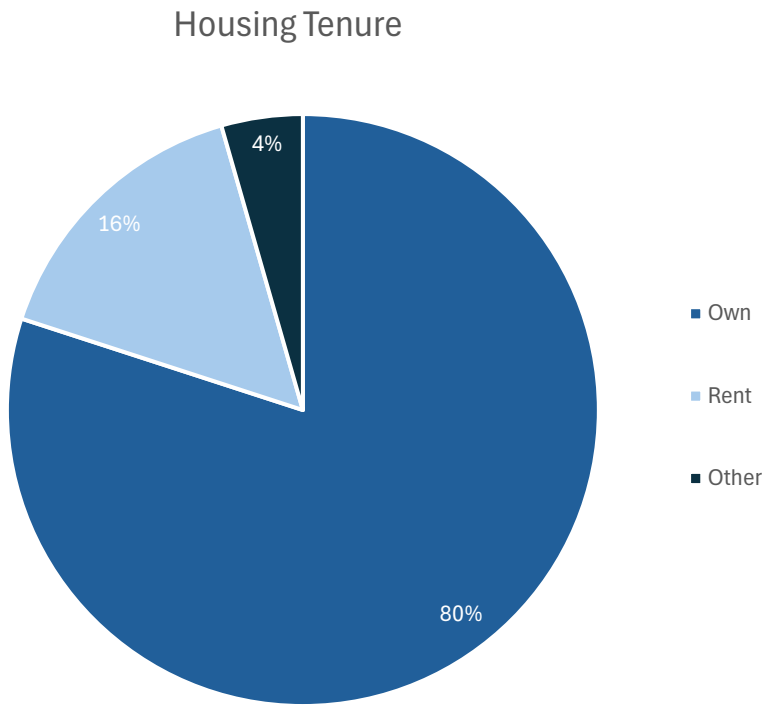
Who Took the Survey? Overall

- 224 Respondents.
- Margin of error: 5% (based on town population and 90% confidence level).
- Nearly all survey takers live in Essex. A few people work in Essex and want to move there; they live in a nearby town.
- Almost everyone identified as White. One person listed “other”, and one person listed “American Indian / Alaska Native”.



Who Took the Survey? Tenure and Income





"Other" responses include: "Live-in Caretaker", "Couch Surfing, can't afford rent", "Homeless", "Live with Parents"

Priority Rankings

Goal 1: Expand small-scale housing

Goal 2: Zoning Changes and Incentives

Goal 3: Target Development to Downtown

Goal 4: Fund and Expand the AHTF

Goal 5: Work to preserve existing SHI

Priority Rankings

Ranked #1	**Goal 1:** Expand small-scale housing
Ranked #2	**Goal 5**: Work to preserve existing SHI
Ranked #3	**Goal 2:** Zoning Changes and Incentives
Ranked #4	**Goal 4:** Fund and Expand the AHTF
Ranked #5	**Goal 3:** Target Development to downtown

Priority Rankings

Ranked #1	**Goal 1:** Expand small-scale housing
Ranked #2	**Goal 5**: Work to preserve existing SHI
Ranked #3	**Goal 2:** Zoning Changes and Incentives
Ranked #4	**Goal 4:** Fund and Expand the AHTF
Ranked #5	**Goal 3:** Target Development to downtown

Scores between Goals 1 and 5 were very close, as were the scores between goals 2 and 4. All of these goals received very strong support.

Comments on the housing locations indicate that downtown development is controversial. Many see it as a great place for housing, others have strong concerns about flooding or business displacement.

Common Themes in the Feedback

- Lots of Support for ADUs.
- Support for expanding sewer access and re-working the agreement with Gloucester.
- Concerns about water, septic, and traffic.
- Support for town zoning reform.
- Lack of education around
  - *Starter home districts (to be expected, regs are new)?*
  - *What the AHTFC does?*
  - *What "Affordable" means?*
  - *What towns typically regulate?*
- Many views are on the extremes of either keep the status quo or make radical changes.

A tale of two residents

One survey responder: *"I won't mind if you needed to rip up half the town to make affordable housing!!"*

Another responder: *"Single family homes should be the top priority. Multi family homes eventually turn into dumps. "*

Other feedback not necessarily tied to goals and strategies:

- Some comments suggest removing a community school entirely and moving all elementary school children to the Manchester district. There's a feel that this school has the capacity to accept Essex students.
- New development should match the character of the current surroundings.
- Need to de-stigmatize Affordable Housing.
- Great need to talk to more residents so that they are more informed about the challenges we face with housing affordability.

Myth: We do not have a housing crisis

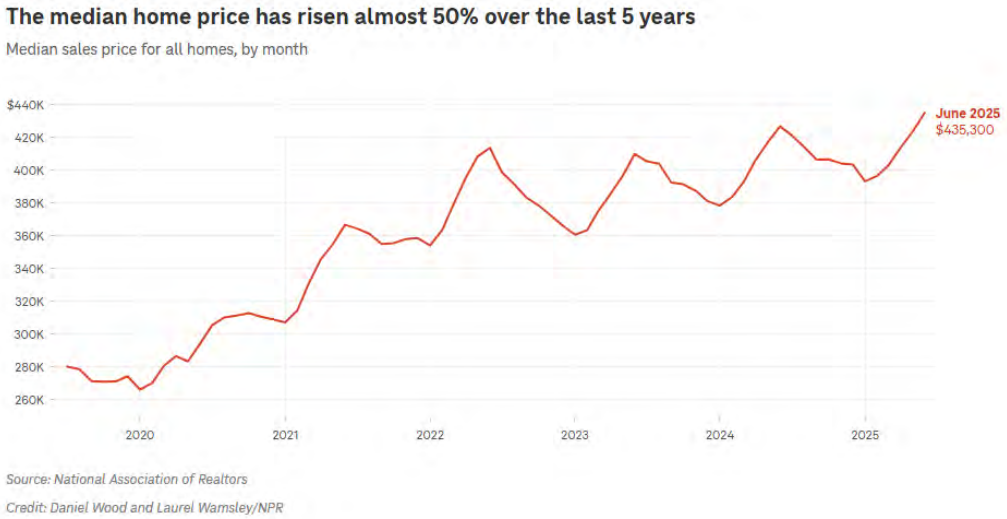
"I believe there is no longer a housing crisis. In fact there are more houses on the market than there are buyers as evident of a recent article in Wall Street Journal. "

– Quote from survey respondent.

This is an example of where facts need the proper narrative to be properly understood.

Yes, houses are sitting on the market longer.

- This is because they are more expensive than people can afford, especially at current interest rates.
- Economic anxiety is also playing a role. People with cash, means, and other assets are buying. Everyone else is not.



Nationwide, prices have increased substantially in recent years. Metro Boston remains strongest housing markets in the US for price.

More information on the national housing crisis at https://www.npr.org/2025/07/26/nx-s1-5478757/home-price-record-mortgage-rates

Myth: Affordable Housing belongs **elsewhere**

Other direct quotes from survey-takers:

- *"There are towns that are better suited for affordable housing closer to the outskirts of Boston. Essex is not one of them."*
- *"Would not want more than the 10% required...many of us moved here due to the return (growth) on our investment (house) and would not want to jeopardies that. "*

All communities in Greater Boston have an affordability crisis, and the state mandated 10% SHI goal is Massachusetts' way of encouraging all communities to help solve this. This is not just a Greater Boston, or even a Massachusetts problem: much of New England has a housing shortage.

Affordable, or other multi-family Housing developments will not negatively affect single-family prices. Single-family homes are the most desirable type of housing from both personal preference and financial investment perspectives. Other housing types do not put these values value at risk.

Many people assume that apartment-dwellers and people in Affordable Housing developments are societal-ills.

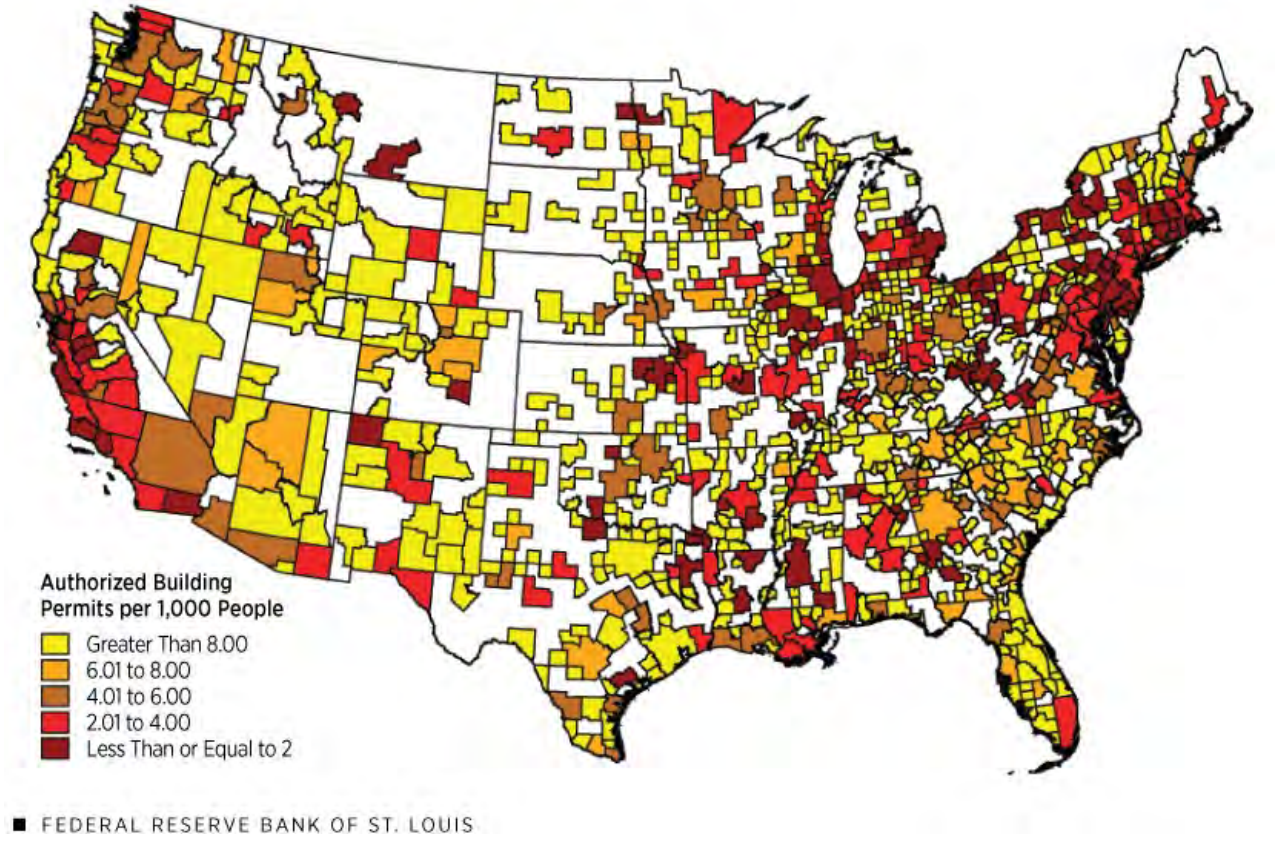
For a family of four, the 80% AMI income limit to qualify for Affordable Housing is a household income of $132,300. That is two adults who earn about $66,000 per year and two children.

This amount is higher than many professional starting salaries (teachers, librarians, etc.).

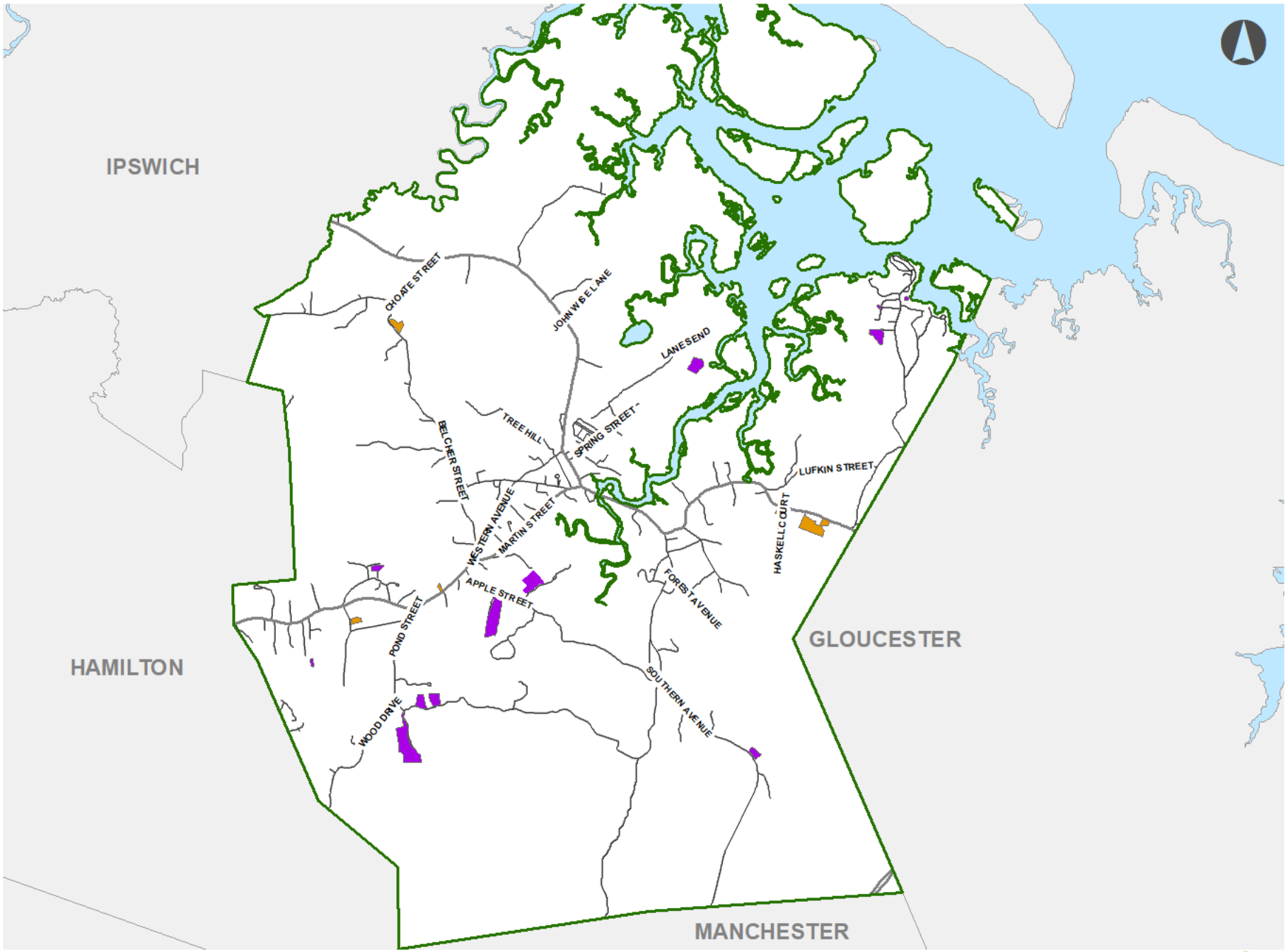
Myth: We are Building more now than ever

"Why not improve other communities that have more housing, such as Gloucester and Danvers and Peabody and Salem. Building is now at an all time high."

– Quote from survey respondent.



https://www.stlouisfed.org/on-the-economy/2024/nov/examining-recent-patterns-residential-building-permits



Essex HPP New Residential Development 2020 - 2024

Legend

- Essex Boundary
- Parcels
- Major Roads
- Neighboring Towns

Development Activity

Number of Units

- 1
- 2

This data is new construction only.
It does not include homes that were rehabbed or rebuilt.

0 0.25 0.5 1 Mile

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

Produced by:
Metropolitan Area Planning Council
60 Temple Place, Boston, MA 02111
(617) 933-0700

Data Sources: MAPC, EOHLC, MassGIS, MassDOT

August 2025



Draft Strategies

For the Housing Production Plan

Strategy	Expand Options for Small Scale Housing	Zoning and Incentives for Affordable Housing production	Target Housing Development in Essex' Downtown	Continue to Fund and Expand the Affordable Housing Trust	Preserve all Existing units on the SHI
Pursue a 40R Smart Growth or 40S starter Home zoning overlay district	X	X	X		
Support local Affordable Housing organizations through strategic planning and coordination				X	X
Adopt an Accessory Dwelling Unit bylaw in compliance with state regulations	X				
Use publicly-owned land for Affordable Housing and Parks	X				
Promote State Housing Programs	X				X
Review Community Preservation Act funds to determine ways to increase local funding for Affordable Housing				X	X
Offer pre-approved architectural design templates to streamline the permitting of small homes	X		X		

Strategy	Expand Options for Small Scale Housing	Zoning and Incentives for Affordable Housing production	Target Housing Development in Essex' Downtown	Continue to Fund and Expand the Affordable Housing Trust	Preserve all Existing units on the SHI
Reduce Parking Requirements for Affordable Housing Developments		X	X		
Work with the MBTA to create additional transit connectors to the greater T rail and bus networks		X			
Create a legal checklist criteria for the planning board to grant conversions of from single family to two or three family		X			
Adopt a right of first refusal property for Essex to acquire properties that are currently, or would be suitable, for Affordable Housing development.	X			X	X
Explore additional incentives for seniors and property owners who rent to HCV holders		X			
Explore marketing and fundraising activities for the Affordable Housing Trust				X	X
Explore town-supported financing options for ADU development and conversion	X	X			

Strategy	Expand Options for Small Scale Housing	Zoning and Incentives for Affordable Housing production	Target Housing Development in Essex' Downtown	Continue to Fund and Expand the Affordable Housing Trust	Preserve all Existing units on the SHI
Incentivize and promote greater density in Essex's downtown			X		
Pursue and support Affordable Housing Projects that could increase the water and sewer infrastructure through grants and partnerships with MassWorks	X				
Encourage small-scale, low-rise multifamily Affordable developments such as clustered cottages	X				
Adopt an inclusionary zoning bylaw		X		X	X
Consider creating a density bonus incentive program (can be included in the IZ bylaw)		X			

Strategy	Expand Options for Small Scale Housing	Zoning and Incentives for Affordable Housing production	Target Housing Development in Essex' Downtown	Continue to Fund and Expand the Affordable Housing Trust	Preserve all Existing units on the SHI
Reduce minimum lot sizes (particularly for SFH)	X	X			
Duplex by-right across Essex	X	X			
Tax Breaks for smaller homes (up to 900 sq ft)	X	X			
Promote inter-municipal coordination, including conversations between AHT and the Open Space Committee				X	
Create a guide for development in the town's 3A district			X		



Draft Housing Sites

New Sites based on survey feedback

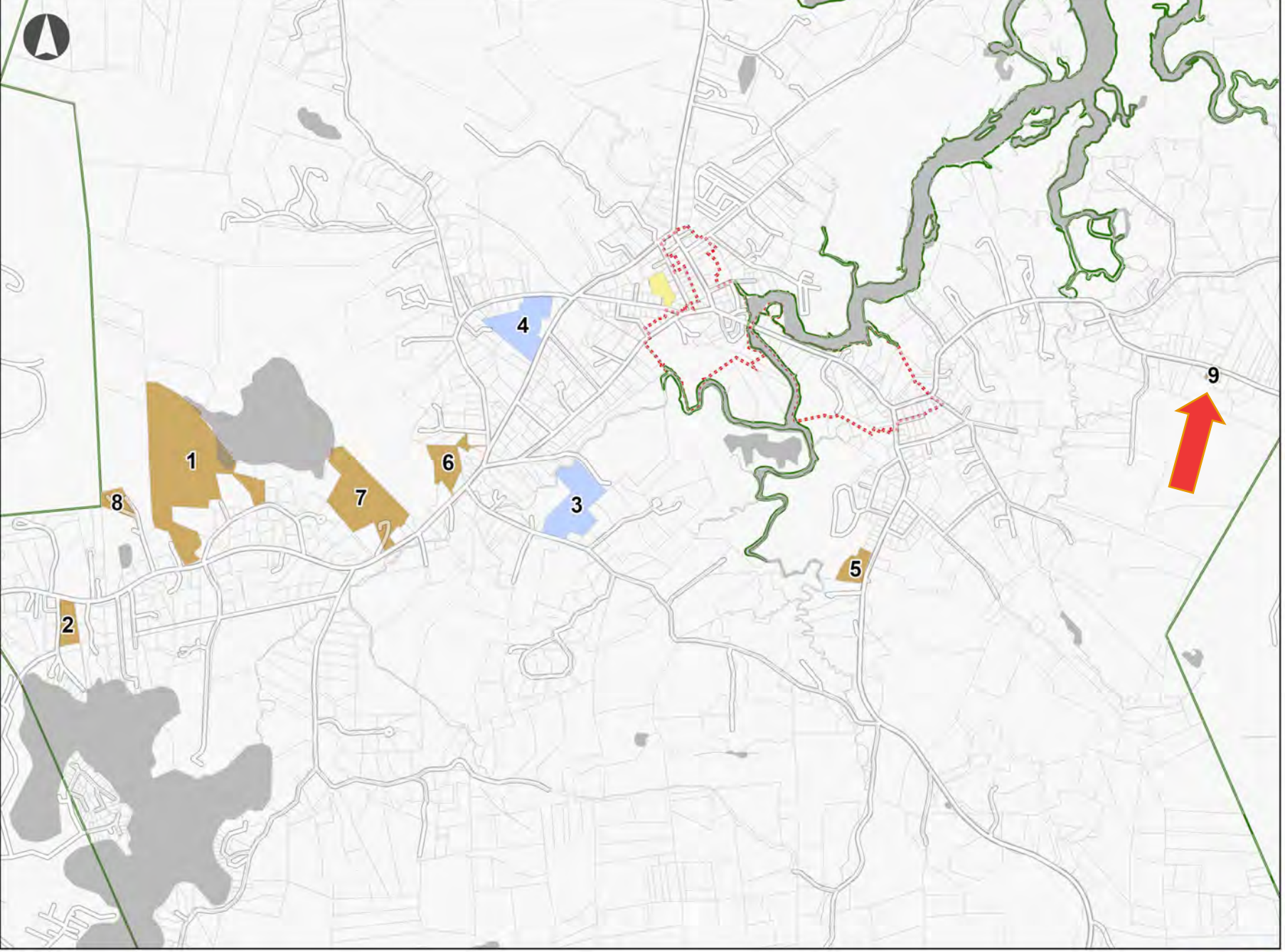
Where should we put Affordable Housing?

Without explicitly naming all the sites the committee has previously selected, we asked the community where should Affordable Housing go?

- Many people feel that the current Housing Authority site is appropriate and would support adding density / stories to that existing site. This is a common answer MAPC sees on HPP surveys.
- The other sites that residents noted as possibilities were vetted by MAPC and Town staff. This does not include sites that were essentially “non-starters” with severe development constraints, or sites that the committee had already discussed and eliminated.

Crowdsourced Ideas that Aren't Feasible

- Allen Property on Southern Avenue – This property was sold at tax auction to be developed as market-rate housing. The size of the parcels makes Affordable Housing difficult here regardless.
- Former Police / Fire site at 24 Martin (next to town hall)- Would be challenging to develop given the size and location of the parcel
- In Riverview Hill – Access road is private, existing development already "feels cramped"
- 15 Tree Hill – Property owner not looking to divest in the next five years. Could be a candidate for the next HPP if that situation changes.



Welcome Home Essex

Essex HPP
Potential Housing Sites

- Essex Boundary
- Parcels
- Housing Authority Housing
- Essex's Downtown District

Potential Housing Sites

- Potential Affordable Housing Site
- Potential AH or Elementary School

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60 Temple Place, Boston, MA 02111
(617) 933-0700

Data Sources: MAPC, EOHLC, MassGIS, MassDOT

August 2025

0 0.13 0.25 0.5 Mile

MAPC

New Draft Site #9

139 Eastern Avenue

Size 0.8 acres

Current Use Single Family

Adjacent Uses Single Family / Essex Seafood (143), Robcon Masonry Supply (147)

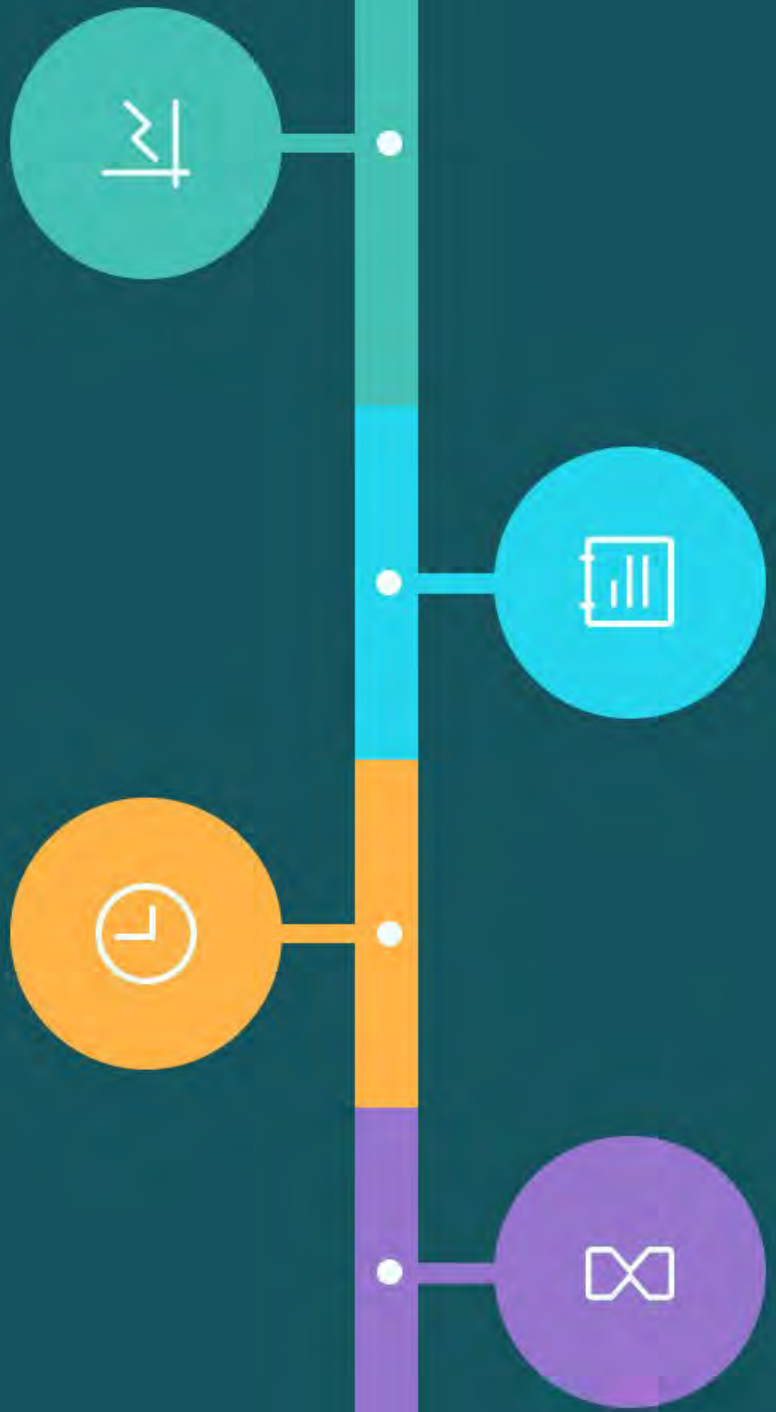
Water / Sewer? Yes

Multifamily Suitability Moderate

Constraints None other than parcel size.

Could be suitable for a <= 10-unit development





Timeline & Upcoming Meetings

Where we are. Where we're going.

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2024 - 5
Q4 - Q1

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- Land use and zoning audit
- Draft site selection
- Constraints analysis
- Housing type / design

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GOALS + STRATEGIES

- Refine site selection
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2025
Q1 – Q2

FINAL PLAN & DELIVERABLES

- Refine goals and strategies
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2025
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- Vote for plan adoption

2025
Q4

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- Discuss housing needs assessment findings
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2024

Q3 – Q4



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- Review constraints and opportunities
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2024 - 5

Q4 - Q1



MEETING #4

- Prepare draft goals and strategies for the public.
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2025

Q1 – Q2



MEETING #5

- Debrief second engagement event.
- Finalize goals and strategies as needed

2025

Q3 – Q4



MEETING #6

- Review of draft plan
- Reaching consensus on recommendations, goals, strategies

2025

Q4



The process is scoped to have six total committee meetings for this project.



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