

Strategies and Tools for the Support and Production of Affordable and Middle Market Housing in Lenox

This table is consolidation of a number of strategies and actions suggested in recent planning documents. They are intended to support, promote and facilitate the preservation and creation of housing choice in Lenox: deed restricted, affordable to low-to-moderate income households as well as “middle market” opportunity.

They are organized into four (4) categories:

1) Regulatory, 2) Funding & Assets, 3) Education and Advocacy, and 4) Local Policy and Planning.

Goal/Objective	Regulatory: These strategies have potential to make a significant impact. They involve tools that make permitting more efficient, allow more housing development, and allow more types of housing in Lenox.	SHI UNITS	“HOUSING CHOICE”	“NEXT STEPS”	PLAYERS
KS	Explore 40R Starter Home Zoning District to designate 3 contiguous acres for affordable starter home development.	✓	✓	MEET W/ 40R PLANNER @ DHCDC IDENTIFY AREA DRAFT ZONING BYLAW AMENDMENT ADOPT @ TOWN MEETING	PLANNING BOARD STAFF DHCD
KS	<ul style="list-style-type: none"> ▪ Remove minimum sq. ft. requirement for apartments ▪ Allow two-family or duplex dwelling By-Right in every district (except C-3A, C-1A and I) ▪ Allow townhouse units by right in R-1A, R-30 And R-14 and by Special Permit in C ▪ Allow multi-family By-Right in R-30 and R-15; ▪ Remove prohibition of multi-family in Commercial “C” and allow by Special Permit ▪ Eliminates minimum lot size for Two-family house or duplex ▪ Eases density requirements for multi-family or town house units in the R-1 and C-3A district ▪ Removes lot size requirement from mixed-use development 		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD
KS	Make ADUs By-Right subject to existing standards; remove 800 sq. ft. maximum floor area for ADU		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD
KS	Removes minimum sq. ft. area for dwelling units in the case of conversion from an existing dwelling		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD
Strategy 1, HPP:	AMEND THE ZONING BYLAW TO ENCOURAGE CREATION OF ACCESSORY APARTMENTS				
Action 1	Amend the Table of Uses, Subsection H, to make accessory dwelling units located <i>inside</i> single-family homes a permitted (as of right) use in the Residential districts and the C district, which currently applies in the Town Center and a small portion of Lenox Dale		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD
Action 2	Accessory units in detached structures could be allowed as of right, too, but retaining special permit authority over this sub-group would give the Planning Board or ZBA, as applicable, more control over siting and design – considerations that often concern the immediate abutters.		✓	RECOMMEND BY TO TOWN MEETING	PLANNING BOARD
Action 3	Amend Section 9.2.3, Standard, par (9), substitute the following language for the existing text in the bylaw: Parking. Off-street parking shall be prohibited between the front façade of the principal residence and the front lot line (or, for dwellings facing a driveway, where the portion of the building facing the street is actually a side wall, no parking shall be allowed between that wall and the front lot line). In addition, a minimum 10-foot landscaped buffer strip shall be located along the side lot line closest to the driveway or garage, and no parking shall be allowed within the required landscaped buffer.		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD
Strategy 2, HPP:	MAKE IT AS EASY AS POSSIBLE TO CREATE APARTMENTS OVER COMMERCIAL SPACE IN BUSINESS-ZONED AREAS SUCH AS THE TOWN CENTER AND LENOX DALE, AND HORIZONTAL MIXED USES WITH FREE-STANDING RESIDENTIAL BUILDINGS ALONG ROUTE 7.				
Action 4	In the C district (Town Center and Lenox Dale) consider allowing top-of-the-shop units without the gross floor area limitations in Section 9.5. Substitute the following for the existing language: Dwelling units shall be permitted above the first floor of a building in which all of the ground floor space is used for nonresidential purposes, provided that:		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD

		<ol style="list-style-type: none"> 1. The sum of all residential floor space does not exceed 70 percent of the total gross floor area of the building; 2. The minimum gross floor area for each dwelling unit shall be 700 square feet; and 3. There shall be 1.5 parking spaces per two dwelling units unless the Planning Board grants a special permit to waive the residential parking requirement. 																												
	Action 5	<p>In the C3-A district (Route 7), clarify the requirements that must be met to create multifamily dwellings on the same premises as buildings with commercial uses. The Zoning Bylaw does not provide adequate guidance for developments with a mix of residential and nonresidential uses in multiple buildings on a single parcel or tract of land. Typically, horizontal mixed-use bylaws provide the following kinds of regulations (these are examples, not actual proposed amendments):</p> <ol style="list-style-type: none"> 1. Maximum percentage of gross floor area that can be used for residential purposes; 2. Use of floor area ratios to establish the maximum allowable gross floor area in the development as a whole; 3. Requirement for residential buildings to be located behind commercial buildings, separated by landscaped areas, pedestrian facilities, and off-street parking, or interspersed with commercial buildings directly facing the street; 4. Significantly reduced off-street parking requirements; and 5. Most important, design standards – preferably in a set of guidelines that are referenced but not located in the Zoning Bylaw. 		✓	RECOMMEND TO TOWN MEETING	PLANNING BOARD																								
	Action 6	<p>In both the C and C-3A districts, the Town could consider allowing a modest increase in the maximum height limit, from two stories and 35 feet to 2.5 stories and 35 feet by right or three stories and 40 feet by special permit. There are some nice examples of 1.5-story units above commercial space in Massachusetts business districts, i.e., a unit occupying the second floor and the half-floor above it. The slight increase in height also encourages and attractive roof line.</p>		✓	Clarified this in last amendments to Zoning Bylaw; no action necessary.																									
	Strategy 3, HPP	<p>PROVIDE EFFECTIVE INCENTIVES TO CREATE AFFORDABLE HOUSING, E.G., BY ESTABLISHING REALISTIC DENSITY STANDARDS FOR MULTIFAMILY DWELLINGS, TOWNHOUSES, AND “POCKET NEIGHBORHOODS” WITH AFFORDABLE UNITS AND REPLACE SPECIAL PERMIT DECISION CRITERIA WITH PERFORMANCE STANDARDS FOR MULTIFAMILY DWELINGS BY RIGHT.</p>																												
	Action 7	<ol style="list-style-type: none"> 1. In Section 9.1.1, change par. 4 to reduce the buffer to 100 feet between a multifamily dwelling and accessory uses abutting a lot used or zoned for single-family residential use. 2. Use the ZBA special permit under section 9.1.2 to regulate multifamily dwellings in the R-30, C-3A, and I districts, and allow them as of right, subject to site plan review, design and other performance standards, and appropriate density regulations, in the R-15 and R-30 districts and the Gateway Mixed Use Overlay District; and, if created at a later date, in a customized Lenox Dale Village Residential District. 3. Overhaul the setback and other dimensional regulations in Section 9.1.3, as follows: <table border="1" data-bbox="739 1393 1588 1655"> <thead> <tr> <th>Density Standard</th> <th>R-15</th> <th>C-3A</th> </tr> </thead> <tbody> <tr> <td>Minimum lot frontage</td> <td>100</td> <td>125</td> </tr> <tr> <td>Minimum lot width</td> <td>100</td> <td>125</td> </tr> <tr> <td>Minimum front setback</td> <td>35</td> <td>50</td> </tr> <tr> <td>Minimum side, rear setback</td> <td>25</td> <td>25</td> </tr> <tr> <td>Maximum height, stories</td> <td>2</td> <td>2.5/3</td> </tr> <tr> <td>Maximum height, feet</td> <td>35</td> <td>35/40</td> </tr> <tr> <td>Maximum building coverage</td> <td>25%</td> <td>30%</td> </tr> </tbody> </table> <ul style="list-style-type: none"> • There shall be at least 7,500 square feet of land area per unit as of right; higher density by special permit; • Buildings on the same lot shall be a minimum of 20 feet apart. • For a multifamily development with 10 or more units, the access road(s) shall be constructed in accordance with the Planning Board’s Subdivision Rules and Regulations. 	Density Standard	R-15	C-3A	Minimum lot frontage	100	125	Minimum lot width	100	125	Minimum front setback	35	50	Minimum side, rear setback	25	25	Maximum height, stories	2	2.5/3	Maximum height, feet	35	35/40	Maximum building coverage	25%	30%		✓	Recommend to Town Meeting	Planning Board
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	Strategy 4, HPP	REVISE, UPDATE, AND CLARIFY THE RESIDENTIAL INCLUSIONARY HOUSING BYLAW.				
	Action 8	<p>Lenox's Inclusionary Zoning bylaw needs some revisions in order to make it clear and a more productive vehicle for creating affordable units. Specifically, the Town should consider the following:</p> <ul style="list-style-type: none"> Eliminate minimum dimensional requirements for inclusionary housing in Section 9.8 and allow proposed projects to comply with the dimensional regulations that govern the proposed land use. For example, multifamily dwellings should meet the minimum dimensional requirements in Section 9.1 (or less restrictive regulations that might apply in particular zoning districts). If a proposed multifamily development can comply with a district's dimensional regulations and other requirements, there is no need for a special permit from the Board of Appeals. The Town may want to consider establishing incentives for developments that include on-site affordable units. In any case, the applicability threshold should be reduced from 16 to 8, and on-site inclusion of affordable units in developments should be required over a certain size, i.e., set a threshold over which a fee in lieu will not be allowed. An example might be any project with more than 15 units. For smaller projects, allow a fee in lieu as of right. Tailor off-street parking requirements to the size of units rather than requiring a blanket standard of two spaces per unit. There is no need to require two parking spaces for a one-bedroom unit. Clarify that waivers available from the Board of Appeals under Section 9.8.17 do not include waiving the affordability requirements. 	✓		Recommend to Town Meeting	Planning Board
	Strategy 5, HPP	ALLOW SMALL AFFORDABLE UNITS ON VACANT NONCONFORMING LOTS				
	Action 9	Units on substandard lots may require some form of subsidy, but making additional land available could support production of scattered-site units by mission-based organizations like Habitat for Humanity, the South Berkshire CDC, or similar groups. Allowing substandard lots that are otherwise unbuildable to be used for an affordable housing unit is a fairly common tool in other Massachusetts towns for creating land for infill development.	✓	✓	Develop By-Right zoning bylaw provision to allow the creation of housing affordable to low-to-moderate income households on non-conforming parcels.	PLANNING BOARD
Goal #2, Provide more housing options in Lenox (Equitable Development Memo)		IDENTIFY OTHER MODELS FOR HOUSING PRESERVATION AND PRODUCTION SUCH AS A COMMUNITY LAND TRUST (CLT) OPTION (SEE IF EXISTING REGIONAL CLT WILL EXPAND TO LENOX)	✓	✓	Connect with Berkshire Community Land Trust Identify land and/or houses that could be of interest to CLT in Lenox	HOUSING TRUST AND COMMITTEE BOARD OF SELECTMEN STAFF
Goal #2, Provide more housing options in Lenox (Equitable Development Memo)		EXPLORE WAYS TO PRESERVE HOUSING OPPORTUNITIES THROUGH OPTIONS LIKE ESTATE PLANNING (DONATION OF PROPERTIES; BUY-DOWN AND SELL HOME TO TRUST)	✓		Explore examples of this in other communities Conduct outreach w/ Counsel on Aging (COA)	
Funding and Assets: The focus of these strategies is to protect existing affordable housing and pursue specific ways to both expand local funds and use municipally owned land for affordable housing.						
	Strategy 6, HPP	MAXIMIZE THE ALLOCATION OF COMMUNITY PRESERVATION ACT (CPA) FUNDS FOR AFFORDABLE HOUSING PRODUCTION, AND GIVE PREFERENCE TO ACTIVITIES THAT CREATE NEW SHI-ELIGIBLE UNITS WITH LONG-TERM DEED RESTRICTIONS.				
	Action 10	As Lenox already knows, CPA funds can be used for a variety of affordable housing purposes, from first-time homebuyer assistance to development subsidies. Where possible, every effort should be made to subsidize	✓	✓		CPC Housing Trust

		the creation of new affordable ownership and rental units by providing “buydowns” that write down the cost of housing.				
	Strategy 7	USE THE CPA FUNDED SAW MILL BROOK PROPERTY AND OTHER MUNICIPALLY OWNED SITES FOR AFFORDABLE HOUSING DEVELOPMENT.				
	Action 11	Lenox should pursue ways to build SHI-eligible units and middle-market housing, both rental and ownership, on land owned or controlled by the Town – notably the “Sawmill” property on Housatonic Street and the Cameron House property near the Village Center.	✓	✓	Note—town does not own Cameron House property; a property management company does. Continue to work w/ housing finance experts and stakeholders Authorize re-issue of RFP for 100% affordable to low-to-moderate income households for both rental and ownership Re-issue RFP for rental scenario; Work w/ Habitat for Humanity to build ownership units as part of project.	Board of Selectmen Housing Trust Staff
	Strategy 8, HPP	WORK WITH NEARBY COMMUNITIES IN BERKSHIRE COUNTY TO POOL CPA FUNDS AND OTHER REVENUE TO CONSTRUCT AFFORDABLE HOUSING IN SUITABLE LOCATIONS THROUGHOUT THE REGION AND MEET REGIONAL HOUSING NEEDS, INCLUDING AFFORDABLE ASSISTED LIVING RESIDENCES.				
	Action 12	As a small town with limited financial and staff resources, Lenox may want to consider organizing a sub-regional program with other South County communities to fund housing development that meets mutual needs and achieves better “smart growth” outcomes than an individual town can accomplish on its own. This approach has been used on Martha’s Vineyard and Cape Cod, too. As noted by the Community Preservation Coalition: <i>The emphasis on regional projects is contained in Section 5(b)(1) of the Community Preservation Act legislation, which reads:</i> <i>The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies.</i> <i>For example, communities on Martha's Vineyard have pursued a number of regional projects which boast widespread benefits to residents across the island . . .</i> For Lenox, the most logical regional opportunities exist with the small towns with which it shares an immediate border: Lee, Stockbridge, and Richmond. Lenox and Lee have already entered into an unusual inter-local partnership by establishing a shared Town Manager position, so a good working relationship exists between these two communities.	✓		Contact Stockbridge CPA to discuss potential collaboration; Work w/ Town of Lee to identify opportunity for Lenox to augment housing projects in Lee w/ Lenox CPA housing funds (Lee does not have CPA)	Housing Trust Board of Selectmen Staff
	Strategy 9, HPP	EXPLORE POSSIBILITIES FOR LOCAL PROPERTY TAX INCENTIVES TO HELP FUND THE CREATION AND PRESERVATION OF AFFORDABLE HOUSING.				
	Action 13	Affordable housing production will not happen without predictable, adequate funding for acquisition, pre-development, development, management, and monitoring. Since Chapter 40B has such a weak track record in	✓	✓	Adopt TIF language such as Amherst for special legislation	Board of Selectmen Town Meeting

		<p>Lenox, the Town needs as many techniques as possible to intervene and accomplish what the market alone cannot. Even though housing sale prices are fairly high, Lenox does not attract Chapter 40B developers. Like other tourism/cultural destination towns around the country, Lenox must be pro-active and initiate affordable and mixed-income housing development. Some potential sources to be considered: a transfer fee on seasonal housing sales (similar to home rule petitions that Provincetown and Nantucket have proposed)^{25F28F³⁰} and a reduction or outright waiver of property taxes for an owner who rents a home or an apartment to a low- or moderate-income year-round resident.</p> <p>There is growing interest in Massachusetts (and beyond) in using local government tax policy as a mechanism for creating affordable housing. While there are very few models available, a few cities have established tax incentive programs and recently, the Town of Amherst secured passage of a home rule petition with broad powers to allow special incentives and tax increment financing agreements (TIF) for production of affordable units, where “affordable” can include units for households with incomes up to 95 percent AMI.^{29F³¹} Lenox could consider instituting a similar approach and targeting it to encourage sustainable projects that can be difficult to carry out, e.g., redevelopment/reuse projects or intensification of existing uses, or to encourage development of employer-assisted housing. Another option is to provide property tax exemptions to owners who rent units to low- or moderate-income households, similar to a program that has existed in Provincetown for several years.</p>			<p>Adopt a Special Tax Assessment (STA) for housing units affordable to low to moderate income households.</p> <p>Speak to Provincetown about how they exempted owners of low-to-moderate-income rental units and what they found to be most challenging and good about it</p>	Legislature
	Strategy 10, HPP	ADVOCATE FOR ADOPTION OF SPECIAL LEGISLATION TO CREATE A SEASONAL & WEEKEND RENTALS EXCISE TAX.				
		<p>Today, any city or town in Massachusetts is authorized by state law to “impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, 6 percent of the total amount of rent for each such occupancy” (G.L. c. 64G, § 3A). However, the law does not extend to taxing occupancy of seasonal rental property and Airbnb-type overnight or weekend rentals. Multiple attempts to allow for taxation of seasonal or vacation properties have been proposed recently, notably in Wellfleet, Provincetown, and Brewster, and Nantucket is weighing it as well. With special legislation, Lenox could not only obtain authority to impose a room tax on seasonal and weekend rentals but also to invest all or a substantial portion of the new revenue in affordable housing assistance. The City of Somerville is currently considering this very strategy to increase the supply of affordable housing there.</p>	✓	✓	<p>Lenox should explore adopting occupancy tax on short-term rentals and others not covered in the lodging tax;</p> <p>Work w/ Board of Selectmen and Chamber of Commerce to identify percentage to go toward housing.</p> <p>Pursue special legislation to stream percentage of additional revenue into Housing Trust account.</p>	Board of Selectmen Town Meeting Legislature
	Strategy 11, HPP	EXPAND THE HOUSING TRUST AND COMMITTEE’S CURRENT MORTGAGE GRANT PROGRAM.				
	Action 14	<p>In addition to continuing to seek CPA funds for this program, the Housing Trust and Committee should continue to try to work with more lenders and expand partnerships with local banks. They also could explore established and successful programs administered by the U.S. Department of Agriculture and U.S. Department of Veterans Affairs, and seek additional funding sources such as foundations or private investors.</p>	✓	✓	<p>Trust works w/ 4 lenders currently.</p> <p>Pursue programs w/ USDA and VA.</p>	Housing Trust Staff
Goal #2, Equitable Development Next Steps	Action 15	<p>Work w/ multiple agencies to create financing packages for construction of Sawmill Brook site</p>	✓	✓	<p>Reach out to USDA, continue conversation w/ Habitat for Humanity.</p>	Board of Selectmen Housing Trust Staff
	Action 16	<p>Provide expanded mortgage assistance program to improve access to housing in existing and proposed mixed-use projects</p>	✓	✓	<p>Continue to work w/ existing lenders and identify other financing programs that can help qualified home buyers buy homes and partner w/ the Trust</p>	Housing Trust Existing Lenders New Partners

					through the mortgage grant program.	
		Growing the local financial support for housing (town or private non-profit)	✓	✓	See above	
	Education and Advocacy: Lenox can combine strategies into an education platform that captures key decision makers, property owners, neighbors, and people most at risk from the effects of limited housing choices.					
	Strategy 12, HPP	CREATE A REGIONAL HOUSING COORDINATOR POSITION.				
	Action 17	Positioning Lenox and other small towns in South County to build the affordable housing supply in the myriad of ways discussed in this plan requires resources, including time and money. The Town has capable staff and volunteers working on housing issues, but there needs to be a central “point person” with the authority and resources to work on housing policy and housing strategies in Lenox and probably neighboring towns as well because all of them are small. Like other towns in Massachusetts that are trying to tackle complex housing policy concerns, Lenox would benefit from having a professional on staff – ideally shared with some other communities in order to share the cost – to coordinate affordable housing education and policy, work with developers and neighborhoods, monitor affordable housing restrictions, and advise Town boards about potential opportunities to increase the supply of affordable housing. Possibly such a position could be funded full-time to serve a group of South Berkshire towns. There are several examples of local and regional housing coordinator positions in Massachusetts. Funding for this position is an allowable use of Community Preservation Act(CPA) funds.	✓	✓	Interview other regional housing entities who are successful in collaborating amongst multiple towns to fund staff and housing development projects.	Lenox Housing Trust Staff
	Strategy 13, HPP	DEVELOP A COMPREHENSIVE HOUSING EDUCATION PLAN.				
	Action 18	<p>The Housing Trust and Committee needs to work closely with the many Town committees and boards and local organizations that have an impact on housing in Lenox. These include, at least, the Zoning Board of Appeals, Planning Board School Committee, and Board of Selectmen, the Community Center, the Lenox Chamber of Commerce major employers in and around Lenox, houses of worship and clergy groups, and health care providers to better understand the nuances and dynamics of housing needs and opportunities in Lenox. Following up on these efforts, the Town should develop a comprehensive housing education plan and program, and partner with local and regional groups to promote broader and deeper community understanding of local affordable housing needs and issues. The plan should be carried out through or any or all of these kinds of initiatives:</p> <ul style="list-style-type: none"> • Periodic presentations at televised Board of Selectmen and Planning Board meetings; • Community forums, use of social media, and cable TV; • Newsletters/publications; • Tours and case studies of successful development projects (including video tours). <p>Ideally, the town website should have a page dedicated to affordable housing education. Partnerships and coalitions that combine resources and strengthen impact should be considered. A pilot affordable housing education project tailored to the unique needs of tourism/seasonal communities might be very interesting to organizations with the resources to fund such endeavors, e.g., CHAPA or LISC.</p>	✓	✓	<p>Create a Lenox Housing Trust website</p> <p>Use website and social media to highlight need, ongoing efforts and opportunities</p> <p>Work w/ MHP and area Housing Trusts/Committees to visit successful developments (MHP is organizing one such field trip and networking event in October, in Williamstown)</p>	Lenox Housing Trust Staff
	Local Planning and Policy: Lenox could be strategic in pursuing partnerships creating a more welcoming environment for housing development in the community.					
	Strategy 14, HPP	MAKE THE BEST POSSIBLE USE OF CHAPTER 40B AS A VEHICLE FOR CREATING AFFORDABLE HOUSING, AND CONTINUE TO LOOSEN REGULATORY BARRIERS THROUGH LOCAL ZONING AND OTHER CHANGES.				
	Action 19	Lenox should continue to actively pursue partnerships with non-profit and for-profit developers that have collaborated with cities and towns on so-called “friendly” Chapter 40B developments. Could include funding assistance.	✓		<p>Work with local developers and state funding resources</p> <p>Identify sites feasible for 40B projects and provide site readiness as part of financial assistance:</p>	Board of Selectmen Staff

						-acquisition -permitting -infrastructure	
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