

**FACT SHEET FOM BEDFORD PLANNING BOARD IN RESPONSE TO ISSUES RAISED ABOUT
GROWTH IN HOUSING, NUMBER OF RESIDENTS AND RELATED ISSUES**

This Fact Sheet is the result of research and data compilation by the Bedford Planning Department in response to questions and concerns raised by residents in regard to housing growth, types of housing, population increases and resultant impacts, since approximately 2000.

1) WHAT WERE THE COMPONENTS OF BEDFORD'S RESIDENTIAL GROWTH IN THE PAST 10 TO 15 YEARS?

The growth of Bedford's population and housing in the past 14 years stems from housing that ranges from million dollar-plus single family homes to townhouses to apartments.

A. Single-Family Detached Houses Built in Bedford-2000 to Present

Number of single-family detached houses built, Jan. 1, 2000 to Jan. 8, 2014:	299
Number that were teardown/replacement houses	122
Estimated number of residents resulting from 299 new houses (based upon Bedford's median family size, 2000 -2010, US Census)	900
Average number of bedrooms per houses built Jan. 1,2000 to Jan. 8, 2014	4.1
Average number of bedrooms per houses built 1950-1999	3.4

*Sources: Bedford Assessor's Office; Bedford Code Enforcement;
US Census, 2000 & 2010; Assistant Town Manager.*

B. Single-Family Detached Houses Sold in Bedford-2000 to Present

No data bases or special studies are available documenting the number of existing, single-family detached houses that turned over during this period or correlating them with the number of new families or households with school age children. However, we know that hundreds of homes were sold during this time period and that a substantial portion of those transactions involved new families or other households that had not previously resided in Bedford, and who brought with them children who enrolled in Bedford schools.

C. Multi-Family and Attached Housing Built in Bedford-2000 to Present

Number of units built under Chapter 40B Comprehensive Permits (2002-2007)	439
Number of affordable units @27% (for occupancy by income-eligible households)	117
Number that are rental units (count 100% toward State subsidized housing inventory (SHI))	297
Number that are ownership units	142
Estimated number of non -Comprehensive Permit units built in projects with some affordable units eligible for SHI under <i>other provisions of the Chapter 40B law</i> (Taylor Pond Apts., Hartwell Farms town- houses, Habitat for Humanity,* Shawsheen Ridge townhouses)**	303
Number of these units now counted on the Subsidized Housing Inventory	188

* *6 of the 8 are single family detached homes.*

** *Have been counted on the SHI, utilizing the
Local Initiative or Local Action provisions of
Ch. 40B.*

The great majority of multi-family and affordable units in Bedford created in the past twelve years came in under Mass General Laws Chapter 40B and related programs, and did so in an extremely short time span from 2002 to 2008. The MA legislature passed the Chapter 40B law in 1969. This act trumps local zoning restrictions on use and density and sometimes dimensional requirements, allowing only limited regulation of site plans by the Zoning Board of Appeals. The ZBA's decision in such developments is known as the 40B Comprehensive Permit. The law has always been one of the most aggressive affordable housing laws in the nation. The building of these units was not the town's doing but the actions of the private market operating under this law.

Data on the number of school children generated by these multi-family or townhouse developments is limited. A 2005 study by John Connery Associates examined three projects containing nearly 500 units (Avalon Bay, Heritage at Bedford Springs and Village at Taylor Pond) and then extrapolated rates of .13 students per unit for market rate 2-bedrooms, .40 students per unit for affordable 2 bedrooms, and a multiplier barely above zero students for 1 bedroom and studio units at any income level. This converted to 62 students. However, data gathered for the FY12 school year for the same three developments indicates an enrollment about 30 students higher, which converts to an overall average of .18 students per unit.

2) WHY DID BEDFORD'S SUBSIDIZED HOUSING INVENTORY (SHI) SPIKE SO SHARPLY IN THE PAST 10 YEARS?

As noted, the big spike in Bedford's SHI (compiled and administered by the MA Department of Housing and Community Development) was largely attributable to Chapter 40B Comprehensive Permits and other projects under Chapter 40B built in a very short time frame. From 2002 to the end of 2007, the official SHI percentage soared from less than 5% to more than 18%. The SHI percentage then dropped to 16.1% and rose back to the high 16's in the last year.

The SHI percentage is not a quota for which a town or some board within it sets annual or periodic targets, and over which it exerts control. Bedford's SHI reached the level that it did largely because the aforementioned private developers and some non-profits built housing under Mass General Laws Chapter 40B and its related programs.

A town's Zoning Board of Appeals (ZBA) can try to find grounds to turn down a comprehensive permit if the community's SHI is under 10%, but a developer can appeal the denial to the Housing Appeals Committee, part of the MA Department of Housing and Community Development, the overseers of 40B. The great majority of HAC appeals overturn the ZBA ruling, because the grounds for local regulation are so limited in the first place. A ZBA, in other words, cannot readily turn down a Comprehensive Permit application. In some instances, Bedford's ZBA has been able to negotiate downward density adjustments in Comprehensive Permit projects, but rejecting an entire development is a risky matter likely to end up incurring major legal expenses; as mentioned, 40 B is intended to supersede local zoning restrictions. However, communities above 10% SHI have much more latitude to resist 40B developments.

Another fundamental aspect of the Chapter 40B act is that under the law's regulations, 100% of all rental units—not just the units set aside for income-eligible households—count on the SHI. This is due to the fact that DHCD considers the creation of rental units an important strategy in addressing a major inadequacy in the state's housing market. A typical scenario is that a minimum of 75% of the units in a rental project command high market rents, even though only one in four units is actually an affordable one. A minimum of 25% of rental units are required to be set aside for income-eligible households.

3) WHAT OTHER TYPES OF MULTI-FAMILY HOUSING EXIST IN BEDFORD?

While Chapter 40B and related projects are the biggest driver of affordable housing in Bedford, some other types of units count on the SHI as well. Units owned and managed by the Bedford Housing Authority, MA Depart of Mental Health/Mental Retardation & the Veteran's Administration Hospital add approximately 225 units to the SHI.

The Housing Authority owns and manages more than 100 units, the earliest ones built close to 40 years ago. A total of 80 of these units, at Ashby Place, are for seniors, while another 20 are located at smaller, scattered site locations in the Depot Park and Town Center areas. The BHA also a total of 22 rental housing vouchers, most of them at a single location east of the Town Center. There are other

affordable units owned and operated by higher governmental jurisdictions; these include the MA Department of Mental Health/Mental Retardation's 63 units, and the Veteran's Administration Hospital's 60 units of single room occupancy units for veterans.

A project with about 70 units of housing for veterans has been in the works for at least a year and a half at the VA Hospital. The town has no jurisdiction here: the project is on federal land. However, the town has persuaded the developer to offer a voluntary site plan review before the Planning Board. This review is at best a process for tinkering with the site details; the town cannot turn down the project or control its occupancy. The developer has not yet submitted this project to the PB and delays have been frequent.

Finally, some mixed use zoning in Bedford requires a percentage of affordable housing when developers build other housing. *The only such project actually constructed is the Village at Taylor Pond on Middlesex Turnpike; it was built under mixed-use zoning and contains 188 units, 47 of which are affordable (i.e., set aside for income-eligible households) and counted on the SHI.* The project is further authorized to convert space to another 12 market-rate units and 3 affordable units. The other two residential developments on Middlesex Turnpike—Heritage Springs and Village at Bedford Woods—were built under Chapter 40B Comprehensive Permits, not under local zoning.

Two other developments permitted in 2013, 54 Loomis Street and 100 Plank Street, have 63 units between them, with 13 of those- affordable. Approximately 46 of these units are one-bedroom units or studios. The Loomis and Plank Street projects have not yet submitted building plans or broken ground.

4) WHY DOES THE COMPREHENSIVE PLAN NOT ADDRESS CONCERNS ABOUT STUDENT PERFORMANCE?

Historically, Comprehensive Plans are about land use and bricks-and-mortar facilities and do not address school performance, curriculum or special programs, due to the strongly autonomous tradition of school boards and departments. Even if it had not just created a new Comprehensive Plan, the Planning Board has neither the authority nor the expertise to intervene in such matters; they are the domain of the School Committee and School Department.

5) SHOULD BEDFORD APPROVE A FREEZE ON RESIDENTIAL DEVELOPMENT?

Although Bedford's zoning bylaw contains a provision allowing the town to modulate of the rate of residential development, that provision is moot, for two reasons. First, Bedford is unlikely to ever again reach the minimum level of housing construction that would activate that provision. Second, a landmark 2004 court case—Zuckerman v. Hadley, MA—strongly affirmed that towns could set only temporary moratoria on development, and only when tied to a major and compelling public purpose, such as a crisis in wastewater capacity, widespread problems with the quality or quantity of the water supply, or anything else that might compel special studies or long-range planning efforts. Unless such conditions exist unequivocally in Bedford, a freeze on residential development is highly unlikely.

6) DO CLUSTER ZONING and “OPEN SPACE RESIDENTIAL DEVELOPMENT” CONNOTE ONLY ONE TYPE OF HOUSING?

The Comprehensive Plan calls for a long-overdue open space residential development (OSRD) bylaw to replace the outdated cluster-type sections in Bedford’s zoning. OSRD is the widely accepted and more advanced form of such techniques. Such provisions are fundamentally about preserving open space: they require a developer to preserve the most significant land and other natural resources on any given site. Bedford’s Huckins Farm is an outstanding example of what such approaches can achieve in balancing residential development with open space preservation.

One commenter on the new Comprehensive Plan offered remarks that assumed that “cluster” always equals attached or multi-family housing. However, the Plan does not stipulate particular types of housing that cluster zoning and OSRD might allow.

7) CAN BEDFORD’S MAIN HOUSING STRATEGY BE TO “OVERHAUL HOMES IN DISREPAIR?”

One commenter on the Plan suggested that Bedford’s principal housing strategy should be rehabilitation of existing older houses. The question then arises: who will pay for that? The private market won’t do it: builders much more profit tearing down older, smaller houses and putting up much larger ones. Or they just build new homes on vacant or subdivision or frontage exemption lots. The public sector will not readily pay for rehabilitation: Bedford is not eligible for Community Development Block Grant/Small Cities funds, which is the usual source of funding for rehabilitation programs. Hypothetically, town Community Preservation Act funds might be employed for this purpose, but rehabilitation of multiple homes would represent costs of hundreds of thousands of dollars.

8) WHAT ARE RESPONSES TO OTHER HOUSING-RELATED CONCERNS AND COMMENTS ON THE COMPREHENSIVE PLAN?

A) A large share of people who desire housing alternatives in Bedford are not “outsider low-income people” but existing residents, including empty-nesters, retirees, and Bedford’s own daughters and sons.

B) Executives of companies in MA have long stated that the high cost of housing and a lack of housing choices damages the state’s economy, and that their labor force needs an array of housing options. As noted, Bedford’s business and retail areas are becoming functionally obsolete and need invigoration through creative, modern development incentives. Such development might potentially include modest amounts of housing in some areas of town. Without such incentives, Bedford will not be able to stabilize the residential tax burden and provide revenue to keep Bedford’s services, facilities, and schools first rate.

9) CAN BEDFORD DO ANYTHING ABOUT TAX INCREASES?

Since the recession, the contribution of the business sector to the town's tax revenues has declined, putting a greater burden on residents. About 20 years ago, the town also began modernizing or replacing many of its major facilities, including DPW, schools, the library, Town Hall, Old Town Hall, and what is now the yellow Town Center building. Unlike many surrounding communities, Bedford funded these projects with tax surcharges rather than tax overrides. Under "debt exclusion" provisions, this means that when the projects are paid off, the taxes dedicated to those projects will disappear, rather than become a permanent part of the tax levy. Overall, Bedford's taxes remain somewhat lower than in many towns with comparable services and school systems.

State law limits a community's tax levy annual increase from exceeding 2.5% after accounting for new growth, and that Bedford has never exercised an override of this provision. No particular actions or policies in Bedford are driving up the tax levy beyond historical norms; rather, the disproportionate increase in residential taxes is largely a function of a smaller commercial tax base, which we hope to improve in future years.

Bedford is taking active steps to strengthen its business base to raise the tax contributions from that sector. These include participating in the Middlesex 3 Coalition, hiring an economic development coordinator, and trying to revitalize aging jobs centers—by working cooperatively with developers who want to upgrade properties, and by modifying zoning to give the market incentives to invest. The Comprehensive Plan is full of strategies and actions for achieving those objectives.

10) CAN ANYTHING BE DONE ABOUT TRAFFIC?

Of course, more business development in Bedford means more cars on the road, in a town with limited public transit options. The town is constantly trying to pursue new transportation opportunities. For example, the town worked hard to obtain state funding for widening Rte. 3 and Middlesex Turnpike, both to take traffic off local roads and to spur business development and revitalization.

As in most suburban communities, traffic has long been a major problem in Bedford, and it is a tough one to solve. Addressing it will require creative, long-term efforts (see more on this in the Comprehensive Plan). The basic strategy is to chip away at the problem with multifaceted approaches. These include working diligently toward creating an "alternative infrastructure" for pedestrian and bicycle travel; working with businesses to expand transportation demand management programs to reduce auto trips; working to retain and expand local and regional public and private transit options, such as shuttle buses; and encouraging land-use patterns that lessen auto-dependency, including home occupations and mixed use where appropriate.

11) HAVE THE TOWN AND OTHER ACTORS TAKEN AWAY SO MUCH GREEN SPACE THAT DEER HAVE BEEN FORCED INTO YARDS AND ONTO ROADS?

One commenter on the Comprehensive Plan expressed that concern. However, as the Plan and an Appendix document, Bedford's record of acquiring or gaining development rights to open space in the modern suburban era has been formidable. All told, public and private actors have permanently protected one in four acres in Bedford since WW II. A more advanced open space residential bylaw could help strengthen those efforts.

The deer problem occurs in nearly all suburbs outside Route 128/I-95. It reflects extensive overall development—especially of single-family subdivisions on large lots—which encroaches on former habitat for deer and other wildlife.