

TOWN OF CHILMARK

HOUSING PRODUCTION PLAN FY2018-2022

FUNDING PROVIDED BY THE MARTHA'S
VINEYARD COMMISSION AND THE
COMMONWEALTH OF MASSACHUSETTS

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ACKNOWLEDGEMENTS

The Housing Production Plan process has been supported by the Chilmark Board of Selectmen, Planning Board, and Housing Committee.

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The Town of Chilmark gratefully acknowledges the following for their contributions to this process: Martha's Vineyard Commission, The All Island Planning Board Housing Work Group, The Island Housing Trust, Sam Hart, former member of the Planning Board; Ebba Hierta, Librarian; Town Hall Staff and the many dedicated community members and residents who have worked diligently to help shape the documents and possible direction for Chilmark in addressing affordable and community housing opportunities..

Acronyms

ACS	US Census Bureau's American Community Survey
AMI	Area Median Income
DHCD	MA Department of Housing and Community Development
MAPC	Metropolitan Area Planning Council
MOE	Margins of Error
MVC	Martha's Vineyard Commission
SHI	Subsidized Housing Inventory

Key Definitions

The following definitions are for key terms used throughout the document and are based on information from the U.S. Census Bureau, unless otherwise noted:

Chapter 40B (MGL c.40B) – Massachusetts General Laws c.40B, §§ 20 through 23. Chapter 40B permits developers of projects that include a sufficient level of subsidized low and moderate income housing units to apply for a Comprehensive Permit from the local zoning board of appeals (the “Board”).

Cost Burdened – Households who pay more than 30 percent of their income for housing.

Disability – The American Community Survey defines disability as including difficulties with hearing, vision, cognition, ambulation, self-care, and independent living.

Family - A family is a group of two people or more (one of whom is the householder) related by birth, marriage, or adoption and residing together; all such people (including related subfamily members) are considered as members of one family.

Household – A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household. The count of households excludes group quarters.

Housing Unit - A housing unit is a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied, or, if vacant, is intended for occupancy as separate living quarters.

Median Age – The age which divides the population into two numerically equal groups; that is, half the people are younger than this age and half are older.

Median Income – Median income is the amount which divides the income distribution into two equal groups, half having incomes above the median, half having incomes below the median. The medians for households, families, and unrelated individuals are based on all households, families, and unrelated individuals, respectively. The medians for people are based on people 15 years old and over with income.

Millennials – The demographic cohort following Generation X. There are no precise dates when the generation starts and ends. Researchers and commentators use birth years ranging from the early 1980s to the early 2000s. (en.wikipedia.org/wiki/millennials.)

Poverty – Following the Office of Management and Budget's (OMB's) Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to detect who is poor. If a family's total income is less than that family's threshold, then that family, and every individual in it, is considered poor. The poverty thresholds do not vary geographically, but they are updated annually for inflation with the Consumer Price Index (CPI-U). The official poverty definition counts money income before taxes and excludes capital gains and noncash benefits (such as public housing, Medicaid, and food stamps). Thresholds by year and households size are found at this link:

<https://www.census.gov/hhes/www/poverty/data/threshld/>.

Subsidized Housing Inventory – The list compiled by DHCD containing the count of Low or Moderate Income Housing units by city or town.

CHAPTER 1

INTRODUCTION

Housing Production Plan Purpose

This Housing Production Plan (HPP) is a state-recognized planning tool that, under certain circumstances, permits the town to influence the location, type, and pace of affordable housing development. This HPP establishes a strategic plan for production of affordable housing that is based upon a comprehensive Island-wide housing needs assessment, prepared in 2013, and provides a detailed analysis of development constraints due to infrastructure capacity, environmental constraints, protected open space, and regulatory barriers.

This HPP has been prepared in accordance with the Massachusetts Department of Housing and Community Development (DHCD) requirements. The HPP describes how the town plans to create and preserve affordable housing.

When an HPP is certified by DHCD, then a denial of a Comprehensive Permit will be upheld if such application is not consistent with local needs. The town would need to produce two units that count on the state's Subsidized Housing Inventory for a one-year certificate or four units for a two-year certificate.¹

Under Massachusetts General Laws Chapter 40B Section 20-23 (C.40B), the Commonwealth's goal is for all Massachusetts municipalities is to have 10 percent of housing units affordable to low/moderate income households or affordable housing on at least 1.5 percent of total land area. As of December 2014, the state's Subsidized Housing Inventory (SHI) included 0.7 percent (three units) of Chilmark's housing total year-round housing units.²

Report Organization

This Housing Production Plan is organized in seven chapters as follows:

1. Chapter 1 provides an overview of the purpose of the plan, a community overview, description of planning methodology, and summary of housing needs.
2. Chapter 2 describes Chilmark's housing vision and five-year goals, as identified through the planning process associated with development of this plan.
3. Chapter 3 describes Chilmark's housing strategies, both regulatory and local initiative, to achieve the plan's goals.
4. Chapter 4 provides a demographic profile of the community.
5. Chapter 5 provides an analysis of local housing conditions including housing supply, residential market indicators, and affordable housing characteristics.
6. Chapter 6 describes Chilmark's development constraints and limitations including environmental constraints, infrastructure capacity, regulatory barriers.

¹ Department of Housing and Community Development. *Spreadsheet of 0.5% and 1.0% Thresholds for Each Community Based on 2010 Census Information*. 2010.

² Department of Housing and Community Development. *Chapter 40B Subsidized Housing Inventory*. December 5, 2014.

7. Chapter 7 describes local and regional capacity and resources to create and preserve affordable housing in Chilmark.

Community Overview³

The Town of Chilmark is a small rural community located toward the western end of Martha's Vineyard. It is bordered by the Vineyard Sound to the north, the town of Aquinnah to the west, the Atlantic Ocean to the south, and the town of West Tisbury to the east. The Town was incorporated in 1694 and is administered by a Board of Selectmen and Open Town Meeting form of government.

Chilmark is known for its rural character. Most of its 10,639 acres are devoted to residential and agricultural use. The town is a predominantly residential community. The center of town houses a public library, originally built as a house in 1790, a town hall built circa 1897, and a church built in 1843 before being moved to its present location. These buildings have all had additions during recent years. In 2000, the Chilmark School, originally in a one-room schoolhouse built circa 1850, was relocated to a new building. The town center forms a campus of town services: the Chilmark Town Hall, the Chilmark Free Public Library, The Chilmark School (grades 1-5), the Community Center, Fire Station and Emergency Medical Response Services, and the Police Station (formerly the school). Seasonally, there is the Chilmark Store.

Within Chilmark is the fishing village Menemsha. The harbor is home to commercial fishing vessels and has a small yacht marina that is extremely popular during the summer months. Menemsha is also the home of a Coast Guard Station. In 1952, the Coast Guard station at Cuttyhunk was moved to Menemsha.⁴

Planning Methodology

DATA SOURCES

The U.S. Census Bureau's Decennial Censuses of 2000 and 2010 and the 20010-2014 American Community Survey (ACS) were the primary sources of data for the needs assessment. The U.S. Census counts every resident in the United States by asking ten questions, whereas the ACS provides estimates based on a sample of the population for more detailed information. It is important to be aware of the margins of error (MOE) attached to the ACS estimates, which is based on a sample and not on a complete count, especially in smaller geographies including Aquinnah and Chilmark. – the Island's smallest towns.

Data was also gathered from a variety of available sources including: The Warren Group; Massachusetts Department of Revenue; Massachusetts Department of Education; Massachusetts Department of Housing and Community Development; as well as the Martha's Vineyard Commission and Town of Chilmark.

³ Martha's Vineyard Commission. *Chilmark Community Development Plan*. 2004.

⁴ Sigelman, Nelson "A brief history of Coast Guard Station Menemsha," *Martha's Vineyard Times*, July 15, 2010. <http://www.mvtimes.com/2010/07/15/brief-history-coast-guard-station-menemsha-1575/>, accessed 1/5/17.

The report builds on past work, particularly the following plans and studies:

Town of Chilmark. *1985 Chilmark Master Plan*. 1985. Updated 1990-92, 2002
Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.
Martha's Vineyard Commission. *Martha's Vineyard Housing Needs Assessment*. 2013.
Martha's Vineyard Commission. *Martha's Vineyard Wastewater Management Study*. May 2010.
Martha's Vineyard Commission. *Island Plan 2009*. February 2010.
Martha's Vineyard Commission. *Martha's Vineyard Regional Transportation Plan*. Update 2011.

COMMUNITY ENGAGEMENT PROCESS

The Selectmen, Planning Boards and Housing Committees of all six towns held three community workshops, facilitated by the consultant team, to create housing visions, identify five-year goals, and prioritize implementation strategies. In Chilmark, these workshops were held in the Chilmark Library on September 21 and November 16 and at the Town Hall in December 14, 2016. In addition, the All-Island Planning Board issued an online survey about housing needs and strategies that had over 600 respondents.

Workshop 1: September 2016

The purpose of the first of three community workshops in Chilmark was to introduce participants to the Housing Production Plan (HPP) project scope and schedule, to discuss housing needs in the community and Island-wide, and to develop a preliminary housing vision for the community and the Island.

The following themes emerged as residents considered the current housing environment in Chilmark and ideas for the future of housing in their community: preserving town character, encouraging innovation, and increasing population diversity.

To preserve the rural, low-density town character and create more affordable housing opportunities in Chilmark, workshop participants thought that innovation will be essential. This innovation may include architectural design, infrastructure treatments, combined with alternative site planning approaches such as co-housing or cluster housing. Such alternative site planning can provide more diversity of housing types (e.g., cottage-style single-family, duplex, small-scale multi-unit), serve a variety of populations including elders, young families, and workers, and preserve the community's scenic beauty, open space, and natural resources.

Workshop 2: November 2016

The purpose of the second of three community workshops in Chilmark was to solicit participants' feedback on the draft housing visions for Chilmark and Island-wide, to introduce the concept of HPP goals and strategies, to discuss the draft goals for Chilmark and Island-wide, and to begin to brainstorm strategy ideas to help achieve these goals.

Information: An interactive presentation gave participants an understanding of the purpose of Housing Production Plan (HPP) goals and strategies, as well as an overview of the results-to-date of the All Island Planning Board Online Housing Survey.

Public input: Through a series of open house exercises, participants were asked to provide their feedback on the draft housing visions for Chilmark and Island-wide. Working in small groups, participants assessed the draft housing goals for both Chilmark and Island-wide, and brainstormed strategy ideas for achieving these goals.

Workshop 3: December 2016

The purpose of the third of three community workshops in Chilmark was to solicit participants' feedback on the draft implementation strategies to encourage the creation of affordable housing in Chilmark and throughout Martha's Vineyard in the next five years. Additionally, participants were also asked to consider specific sites/areas in Chilmark that would be appropriate for the development of affordable housing.

Information: A detailed presentation outlined draft implementation strategies to encourage the creation of affordable housing throughout the island in the next five years, and introduced participants to potential sites/areas where the development of affordable housing might take place.

Public input: Through a series of small group exercises and individual dot voting, participants were asked to provide their feedback on which strategies should be considered for further investigation or implementation in the next five years. Participants were also asked to identify one or more sites on the map that merit further consideration for encouraging affordable / mixed-income development in the next five years.

Summary of Key Housing Needs

Chapter 4, which provides a demographic profile of the community, and Chapter 5, which describes local housing conditions, together provide analysis to determine Chilmark's priority housing needs. This understanding of current and future housing needs lays the groundwork for the community's housing vision, goals, and strategies.

Chilmark has 0.7 percent of its year-round housing stock counted on the SHI towards the state's MGL c.40B goal of 10 percent of year-round units as affordable, with three units listed on the SHI. In addition, there are 14 affordable units that are not listed on the SHI: six rental units at the Middle Line Road development, two of which are affordable to households between 81 and 100 percent AMI and eight ownership housing units affordable to households at or below 150 percent AMI.⁵ In addition, Chilmark has four households with rental assistance vouchers.⁶

Chilmark has unmet local housing needs that are not served with the existing affordable and community housing units. Close to 40 percent (125 households) of all year-round households in Chilmark have income at or below 80 percent AMI and about 70 of these year-round households are severely housing cost burdened (spending more than 50 percent of their total gross income on housing.)

⁵ The four rental units at Middle Line Road that are affordable to households with income at or below 80 percent AMI that do not count on the SHI may be eligible if they have a long-term affordability restriction of at least 30 years and the units adhere to the state's affirmatively and fairly marketing and resident selection requirements.

⁶ Source for non-SHI affordable unit and rental voucher data: Island Housing Trust, provided to author June-July 2016.

Although Chilmark's year-round population is expected to decline about 17 percent between 2010 to 2035 the composition of the population is expected to have more older adults (over 65 years of age) as a percentage of total population. This indicates a need for more housing options to meet the needs of older adults including alternatives that are smaller, accessible, and have minimal maintenance needs.

The income needed to afford the 2016 median single-family house sales price in Chilmark (\$1,097,500) is about \$270,000, while the median household income for year-round residents in Chilmark is an estimated \$67,813.

Chilmark's primary housing needs are more year-round rental housing units at all market levels including affordable, especially for households with up to 50 percent AMI; more diverse housing options including such as congregate, small multi-family, and service enriched housing; and year-round affordable homeownership units for households with less than and up to 80 percent AMI as well as between 81 and 150 percent AMI.

CHAPTER 2

HOUSING VISION & GOALS

The housing vision and goals included in this chapter are aimed primarily at creating more housing choice and affordable housing in Chilmark while recognizing and supporting the town's ability to achieve other interrelated community goals, including goals for protection of natural resources as well as scenic views and rural features of the community. The community developed the housing vision and goals through a detailed analysis of housing needs, input from town officials and community members, guidance from the All Island Planning Board Housing Work Group, as well as the consultant team's review of relevant planning documents.

Chilmark's Housing Vision

Chilmark community members envision that in 2027 – a decade from now- the community will retain a strong sense of history and continuity with its past. Its many caring and involved residents will include those that have substantial roots in the community and newcomers. Chilmark's residents will benefit from the diverse and innovative affordable housing options developed over the decade. Residents will continue to value the rural village character, lifestyle of Chilmark, and strong sense of community.

New small, well-integrated, multi-family developments, which are designed to serve year-round residents including young families, workers, and seniors, will help maintain and increase the diversity of the population in Chilmark. The town will consider varied and innovative affordable housing options for both rental and ownership to address the need. New housing options could be close to the town center (Beetlebung Corner) or in rural areas surrounded by open space and working farms.

New buildings, clusters, and compounds; converted and enlarged older homes and barns to multi-family buildings, and new accessory apartment housing will be considered as part of the solution to provide year-round apartments or homes at modest prices. Zoning updates will be a key factor to encourage these broader housing options for the community and will accommodate residents of all ages including older adults wishing to downsize.

The town will continue to foster housing development on town-owned land, acquire developable lots for housing, and actively foster the creation of more diverse housing options through tax incentives, zoning updates, and partnerships with organizations such as the Martha's Vineyard Land Bank.

In addition to housing that is permanently restricted to income-eligible year-round residents, the town will continue to support the provision of middle-income housing in Chilmark. As well, the town will consider participation in Island-wide developments in more cost-effective locations elsewhere. The town will consider that some of the units located regionally in addition to those created locally may someday count towards the state-required municipal goal of 10 percent.

Chilmark's Housing Goals

GOAL 1: HOUSING OPTIONS

Encourage the creation of varied and innovative affordable housing options for both rental and ownership including small, well-integrated multi-family developments. The town will consider varied and innovative affordable housing options for both rental and ownership to address the need.

GOAL 2: HOUSEHOLD TYPES

Increase year-round housing units to support a variety of household types such as young families, workers, and the seniors wishing to downsize to units with less maintenance requirements, including residents with substantial roots in the community as well as newcomers.

GOAL 3: COMMUNITY CHARACTER AND SMART GROWTH

Ensure new private housing development is located, designed, and scaled to be sensitive to Chilmark's rural village character. This could include a few small well-designed and well-integrated multi-family housing developments (small buildings or clusters/compounds), converted and enlarged older homes and barns to multi-family buildings, and the addition of accessory apartment housing in existing or new structures encouraged through zoning updates. New housing options could be close to the town center (Beetlebung Corner) or in rural areas surrounded by open space and working farms.

GOAL 4: RESOURCES & CAPACITY

Continue to foster development of town-owned land, seek resources to acquire development lots for housing, and actively create more diverse housing options through zoning changes, tax incentives, and partnerships with other towns and organizations.

GOAL 5: NUMERICAL PRODUCTION

Support the creation of at least ten low/moderate-income (LMI) units over five years (an average of at least two units per year) that will count on the Subsidized Housing Inventory, particularly rental units affordable to households with extremely low- and very low-income. This rate of LMI housing production would support the town reaching 10 percent through incremental production (0.5 percent of year-round housing units) by 2036. The Town will consider participation in Island-wide developments in more cost-effective locations elsewhere.

In addition, support the creation of at least 10 ownership units affordable to households between 80-100 percent of the area median over five years.⁷

⁷ Note: For Chilmark – despite having needs that could also support creating affordable ownership units for up to 150% AMI (as presented in Sept.), the greater need is for rental units affordable to households with up to 80 percent AMI and ownership units between 80 and 100 percent AMI. Therefore, this goal suggests that public resources are focused on these greater needs over the 5-year timeframe of the plan and could be revisited in a subsequent plan.

CHAPTER 3

HOUSING STRATEGIES

To achieve the community's ten-year housing vision and five-year goals will require the town's focused effort to implement a variety of local initiative strategies and local regulatory strategies as well as support and participation in Island-wide strategies. The community's housing vision and goals are ambitious and can't be achieved overnight or by a sole, isolated action. The strategies are presented as a package of strategies rather than a menu of choices because they are designed to work together to be most effective. They are like pieces of a puzzle that, when assembled and embraced together, can help the community accomplish its goals.

This chapter includes descriptions of local initiative strategies, Island-wide strategies, local regulatory strategies, and an action plan. The strategies are listed immediately below and discussed in more detail on the following pages:

Local Initiative Strategies

1. Offer municipal property at little or no cost for development of affordable and/or mixed-income housing
2. Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing

Island-wide Initiative Strategies

3. Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing
4. Advocate for adoption of special legislation to create a seasonal rentals excise tax
5. Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI
6. Support creation of an Island Seasonal Housing Task Force and its initiatives
7. Explore creation of an Island-wide or sub-regional housing trust

Local Regulatory Strategies

8. Allow accessory apartments as a permitted use
9. Make the Homesite Housing provision a more flexible tool for creating affordable housing
10. Consider establishing a village residential district near the town hall, library, and school
11. Provide for Natural Resource Protection Zoning (NRPZ) by right
12. Adopt visitability design standards

	Goal 1: Housing Options	Goal 2: Housing Types	Goal 3: Community Character and Smart Growth	Goal 4: Resources and Capacity	Goal 5: Numerical Production
Strategy 1: Offer municipal property at little or no cost for development of affordable and/or mixed-income housing	⊖	⊖	⊖	⊖	⊖
Strategy 2: Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing	⊖	⊖	⊖	⊖	⊖
Strategy 3: Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing				⊖	
Strategy 4: Advocate for adoption of special legislation to create a seasonal rentals excise tax				⊖	
Strategy 5: Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI	⊖		⊖		⊖
Strategy 6: Support creation of an Island Seasonal Housing Task Force and its initiatives	⊖	⊖		⊖	
Strategy 7: Explore creation of an Island-wide or sub-regional housing trust				⊖	
Strategy 8: Allow accessory apartments as a permitted use	⊖	⊖	⊖		
Strategy 9: Make the Homesite Housing provision a more flexible tool for creating affordable housing	⊖	⊖	⊖		⊖
Strategy 10: Consider establishing a village residential district near the town hall, library, and school	⊖	⊖	⊖		⊖
Strategy 11: Provide for Natural Resource Protection Zoning (NRPZ) by right	⊖	⊖	⊖		⊖
Strategy 12: Adopt visitability design standards	⊖	⊖			

Local Initiative Strategies

Local initiative strategies refer to recommendations that the town can undertake to foster the creation of more housing options, especially affordable housing. These initiatives are not regulatory in nature - they deal with allocation of town resources including staff time, funding, and property.

1. OFFER MUNICIPAL PROPERTY AT LITTLE OR NO COST FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

At the third community workshop, residents reviewed a map showing town-owned properties in Chilmark and discussed which properties should be investigated further for possible development of affordable or mixed-income housing. Offering low/no cost land for development can provide a significant subsidy to help make an affordable housing development feasible.

The town could explore offering additional available town-owned properties for development of affordable rental and/or ownership units – as it has already successfully done for the Middle Line Road and Nab's Corner affordable housing initiatives. Such developments could be 100 percent affordable units or a mix of income-restricted units and market rate units. Allowing market rate units mixed in a development with affordable housing can provide cross subsidies, which can also help make affordable housing developments feasible with less public subsidies. The permitting mechanism would likely be through a comprehensive permit under MGL c. 40b, since existing local zoning requirements are more limited.

As the property owner, offering public land for affordable housing development provides the town with a high level of control over the ultimate development. To implement this strategy, the town would issue a Request for Proposals for the disposition of municipal property (per MGL c.30B) that specifies a minimum number (or percentage) of units that should be affordable. This minimum should be established by testing the feasibility – estimate how the affordable unit minimum may impact project feasibility and the need for public subsidies. Funding programs typically have a maximum award per unit and this will affect the feasibility of the project. Funding programs could include local Community Preservation Act funds.

The town may sell or retain the property under town ownership and lease it to a developer through a long-term ground lease. The developer builds, owns, and manages the building but the town can establish certain criteria for the project that become restrictions and provisions in the ground lease. This structure allows the town to create housing without having to administer the construction or management of the housing itself and provides strong assurances for long-term affordability of the units. There is precedent for this type of ground lease on the Island – the Island Housing Trust has such an arrangement on one or more properties (including Jenney Way in Edgartown). In addition, it can help reduce acquisition costs since the developer would only be acquiring a ground lease rather than fee ownership of the property.

The Potential Sites for Affordable Housing Map depicts a variety of town-owned sites that merit further investigation regarding development feasibility. These sites are recommended for further investigation because of participant feedback at the third community workshop.

The following provides general observations/considerations regarding selected sites for further investigation. Note, that the site numbers refer to the labels on the Development Opportunities Map and are carried over from the map used at the third workshop.

Site #1 and #2

Parcel ID 20_47_4, +/- 2.21 acres, 0 Pasture Road (Site #1)

Parcel ID 20_47_5, +/- 2.86 acres, 0 Pasture Road (Site #1)

Parcel ID 20_47_17, +/- 4.25 acres, 0 Pasture Road (Site #2)

Parcel ID 20_47_18, +/- 2.79 acres, 0 Pasture Road (Site #2)

Parcel ID 20_47_1, +/- 3 acres, 30 Pasture Road (added to Site #2) *

Parcel ID 20_47_2, +/- 3.24 acres, 0 Pasture Road (Site #2) *

Parcel ID 20_47_3, +/- 3.16 acres, 0 Pasture Road (Site #2) *

One group at the third Chilmark community workshop indicated that there are two youth lots that exist at this site already and that it could have potential for additional housing development.

They raised concerns about remoteness of location, but noted that there appear to be about nine potentially buildable acres. No groups commented on Site 2, which is adjacent to Site 1 other than to say that one additional parcel is town owned at this site (which has been added to the site – Parcel ID 20_47_1). Together, these two sites are made up of seven parcels (now five – see note below) owned by the Town of Chilmark that total roughly 21.5 acres. Per Mass GIS data, none of these parcels appear to have wetlands, nor are any in DEP Zone II for drinking water protection or have any reported contaminants. It appears that a portion of the site may have one or more storage shed and, per local residents, portions of the site are used as a ballfield and for Shellfish Department storage.

*Note: These three sites appear to have been combined into one 9+ acres site: Parcel ID 47_20_1

Site #4, Parcel ID 13_35, +/- 7.96 acres, 33 Middle Line Road

This parcel, located adjacent to the town dump and across the street from Middle Line Woods Preserve, was indicated at the workshop for further investigation. The almost 8-acre parcel appears to be mostly wooded and has frontage on Middle Line Road. Based on Mass GIS data, this parcel is not in a DEP Zone II for drinking water protection and does not appear to have wetlands or any reported contaminants. The parcel is, however, in an impaired watershed – the Tisbury Great Pond Watershed, which the Massachusetts Estuaries Report, released in August 2013, recommended nitrogen reduction of 19 percent.

Workshop participants indicated that other sites may come into town ownership that could be suitable for development and these should be assessed if these opportunities arise. In addition, one group mentioned an idea that the Chilmark school site should be explored for possible senior housing if it were to be closed at some point in the future.

Implementation Milestones:

- Fund preliminary feasibility studies on selected properties to evaluate development opportunities and prioritize sites to consider for public disposition for affordable housing development. CPA funds are often used for such purposes. Study could include community engagement component to share results and solicit further community feedback to identify short list of priority properties.
- With short list of priority properties (possibly narrowed to one or two sites), as identified through the preliminary feasibility studies, fund more thorough feasibility study to analyze physical and regulatory/legal characteristics of the sites to determine potential yield/density of development, best area of the site(s) to locate buildings, course of action to protect natural resources and mitigate any environmental impacts, remedy any site contamination,

and any legal limitations (such as deed restrictions). This type of feasibility study can help to assist bidders in preparing accurate development budgets.⁸

- When one or more priority sites have been determined and development feasibility confirmed, the town, working through the Affordable Housing Committee with community feedback, would set project goals and establish guidelines for development that both reflects community character and addresses housing needs. Some considerations in setting project goals include target population, design guidelines (density, housing type, architectural style), price guidelines, and type of disposition (sale/ground lease).
- Seek Town Meeting approval for municipal property disposition and authorize Board of Selectmen to issue a Request for Proposals.
- Prepare and issue a Request for Proposals for disposition of municipal property. Follow property disposition requirements per MGL c.30B. RFP should anticipate that development would require a Comprehensive Permit per MGL c.40B. Select most responsive development proposal.

2. WORK CLOSELY WITH THE MARTHA'S VINEYARD LAND BANK TO FACILITATE PRIVATE DONATIONS OF PROPERTY FOR DEVELOPMENT OF AFFORDABLE AND/OR MIXED-INCOME HOUSING

Just as the Town of Chilmark has done for the Nab's Corner project, this strategy suggests that the town continue to work closely with the Land Bank to jointly purchase or negotiate donated private property for development of affordable housing and land conservation. Per its affordable housing policy and past examples of partnerships, the Martha's Vineyard Land Bank is open to encourage such partnerships to further both their core mission of land conservation as well as affordable housing. The affordable housing policy, which was adopted in 1989 and amended in 2009, states the following:

Throughout much of its recent history, Martha's Vineyard Island has experienced a shortage of affordable, year-round housing. It represents a public policy dilemma of significant proportions.

A variety of organizations has been chartered to plan for and develop affordable housing units for the Vineyard. The land bank has assisted these groups in the past . . . and wishes to continue to do so, even through the land bank performs an unrelated public duty and exerts no discernible impact on the unavailability of such housing.

The policy goes on to list specific policies regarding geographic non-competition, cooperative acquisitions, surplus buildings owned by the Land Bank, and willingness to consider support for an increase in the existing 2 percent transfer fee. In addition, the Land Bank policy states its willingness to serve as the fee collection agency, processing the fee and regularly delivering to the housing authority its allotted amount.

Implementation Milestones:

- Housing Committee to work with the Martha's Vineyard Land Bank executive director, Town Advisory Board, and Commission to develop inventory of private properties in the

⁸ An excellent source to help guide municipalities in offering municipal property for development of affordable housing is the Massachusetts Housing Partnership guidebook *Developing Affordable Housing on Public Land: A Guide for Massachusetts Communities*, 2005.

community with potential to meeting both priority land conservation goals and opportunity for affordable housing development.

- Committee to work closely with the Land Bank to prioritize any potential private sites of interest and collaborate with the land bank to negotiate with land owners at appropriate strategic times as opportunities arise.
- Work to get a member of the Housing Committee on the Land Bank Town Advisory Board.

Island-Wide Initiative Strategies

The following strategies are Island-wide initiatives. For these strategies to have maximum effect and success, it will be critical for each town on the Island to contribute with active support and coordinated efforts. Most of the Island-wide strategies would require special legislation, which will require a great deal of local political support to promote state adoption.

3. ADVOCATE FOR ADOPTION OF A HOUSING BANK THROUGH SPECIAL LEGISLATION TO INCREASE THE EXISTING REAL ESTATE TRANSFER FEE TO GENERATE REVENUE FOR THE CREATION OF AFFORDABLE HOUSING

The idea to create a housing bank, based on the Martha's Vineyard Land Bank, is not a new idea. Island residents have discussed this idea for well over a decade – the housing bank concept was approved in nonbinding form by all six towns in the spring 2005, but the bill was defeated by Massachusetts house of representatives in July 2006.⁹ Other municipalities have proposed such a real estate transfer fee for housing recently including Nantucket and Provincetown – both attempts appear stalled. Workshop participants in all towns expressed interest in pursuing this effort again, with some expressing concerns over likely success and effort required. Multiple workshop participants suggested to try for a more modest fee of 0.5 percent (in 2006, a 1 percent surcharge was proposed).

The housing bank could be modelled on the Martha's Vineyard Land Bank, which was established in 1986 and has conserved over 3,100 acres through revenue generated by a 2 percent surcharge on most real estate transfers occurring in the six towns. As described above, the Martha's Vineyard Land Bank has an affordable housing policy that expresses its willingness to consider support for an increase in the existing 2% transfer fee. In addition, the land bank policy states its willingness to serve as the fee collection agency.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, Island housing organizations, and Martha's Vineyard Land Bank Commission to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support housing bank legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.¹⁰
- Coalition to raise funds to support lobbying effort.

⁹ Fein, Ian, "State Defeats Housing Bank" *Vineyard Gazette*, July 31, 2006. <https://vineyardgazette.com/news/2006/07/31/state-defeats-housing-bank>

¹⁰ Legislators for Dukes County at time of this writing (12/31/16): Senator Daniel A. Wolf and Representative Timothy R. Madden

4. ADVOCATE FOR ADOPTION OF SPECIAL LEGISLATION TO CREATE A SEASONAL RENTALS EXCISE TAX

Currently any city or town is authorized by MA 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 per cent of the total amount of rent for each such occupancy” (MGL Chapter 64G, Section 3A).*

Five of the six communities on the Vineyard currently impose a local room excise tax in accordance with this law. The towns of Aquinnah, Chilmark, and Edgartown impose a 4% tax while the towns of Oak Bluffs and Tisbury impose a 6% tax (Services 2014). The Town of West Tisbury doesn't currently impose a local room excise tax. However, MGL c.64G, s.3A doesn't currently allow for taxation of seasonal rental property.¹¹ Multiple attempts to allow for taxation of seasonal properties have been proposed recently including bills for the towns of Wellfleet, Provincetown, and Brewster.

Such special legislation, which could be proposed as a coordinated effort among all six towns, could potentially generate millions of dollars in revenue to support affordable housing initiatives on the Island. Workshop participants in all communities expressed some level of support for such an Island-wide initiative, which some participants expressing reservations about the effort and likely success of such an initiative.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Town meeting to consider adopting a local resolution to support seasonal rental excise legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

5. ADVOCATE FOR ADOPTION OF PROPERTY TAX INCENTIVES TO ENCOURAGE AFFORDABLE YEAR-ROUND RENTAL OF UNITS TO HOUSEHOLDS WITH UP TO 80 PERCENT AMI

The Island's housing issues are exacerbated by competing markets for limited housing stock. Time after time workshop participants expressed concern over lack of year-round rentals and the impact this housing issue has on retaining year-round workers including teachers, municipal employees, and others.

Based on the 2002 Special Act in Provincetown, the Island communities could participate in a coordinated Island-wide effort to submit similar legislation to create a local property tax incentive that waives property tax for rent units if rented year-round to low-income households. In Provincetown, according to information provided by the town's community housing specialist for

¹¹ LDS Consulting Group, *Study on Martha's Vineyard Seasonal Rental*, prepared by Island Housing Trust, July 10, 2014.

FY2016, there were 116 affordable year-round rental units created as a result of this tax incentive. The average annual tax exemption per unit was \$858. These are units that otherwise may have been rented seasonally. While the tax incentive doesn't offset the funds that could be gained from weekly seasonal rentals, it does allow for up to 100 percent tax exemption if 100 percent of the property is rented year-round to a household with income up to 80 percent AMI and helps to encourage the public to maintain year-round rentals. Note that property owners still pay property taxes on other units they own (including the unit they live in, if any).

The following is an excerpt from the 2002 Special Act for Provincetown:

SECTION 1. Notwithstanding any general or special law to the contrary, residential real estate in the town of Provincetown which is rented to and occupied by a person of low income, at a rental amount not exceeding the standards of the United States Department of Housing and Urban Development for low income persons, shall be exempt from taxation under chapter 59 of the General Laws.

SECTION 2. The exemption shall be equal to the tax otherwise due on the parcel based on the full and fair assessed value, multiplied by the square footage of the housing units rented to and occupied by a person or family of low income, divided by the total square footage of a structure located on the parcel. For rental housing, assessment of such property, if by an income approach to value, shall assume fair market rent for all units. To be eligible for exemption, the housing unit shall be leased to a low-income person at rents for the entire fiscal year for which the exemption is sought.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation).
- Coalition to consider options for design of tax incentive, potential impacts on local tax base, and monitoring needs (which could potentially be funded through the revenue generated).
- Town meeting to consider adopting a local resolution to support property tax incentive legislation approval.
- Work with the coalition and the district's state senator and representative to sponsor the bill.
- Coalition to raise funds to support lobbying effort.

6. SUPPORT CREATION OF AN ISLAND SEASONAL EMPLOYEE HOUSING TASK FORCE AND ITS INITIATIVES

By providing alternatives to house seasonal employees, more housing units could be available for potential year-round rentals. Local employers rely heavily on imported labor and the Islands labor force expanded by roughly over 4,600 employees in between January and July 2016¹².

This strategy would not require special legislation, but would benefit from the support and involvement of all Island towns to create a task force that focuses on creating seasonal

¹² MA Executive Office of Labor and Workforce Development, accessed 11/22/16.

employee housing. Such a task force could bring together the business community to work collaboratively on these issues.

The task force could be created by the Martha's Vineyard Commission and include representation from business community and town officials. The task force could build on work of IHT's Workforce Housing Survey to further identify the housing needs for seasonal employees (e.g., how much, what kind, locations?). The task force could also explore feasibility of sites for potential dormitory/hotel-style housing perhaps with consideration given to land at the airport, as was mentioned by multiple workshop participants. Such dormitories may be able to incorporate off-season uses (such as homeless shelter and/or short-term housing for construction crews). The task force could also explore the possibility of proposing a sales tax for seasonal employee housing based on Breckinridge, Colorado model (0.125 percent sales tax).

Not only did workshop participants in all communities (except Chilmark) support this strategy, but the All Island Planning Board online housing survey (Fall 2016) respondents expressed support for the creation of dormitory housing for seasonal employees, which this task for could focus on implementing.

Implementation Milestones:

- Support an initiative led by the All Island Planning Board and Martha's Vineyard Commission to work with the Chamber of Commerce, local employers, other Island towns to establish an Island Seasonal Employee Housing Task Force.
- Task Force to sponsor study to further investigate housing needs for seasonal employees (e.g., how much, what kind) and identify appropriate locations to pursue development (or through reuse/conversion of existing buildings) of seasonal employee housing.
- Task Force could nurture private collaborations of local business as well as possibility of other revenue generation such as adopting a sales tax.

7. EXPLORE CREATION OF AN ISLAND-WIDE OR SUB-REGIONAL HOUSING TRUST

An Island-wide or sub-regional housing trust would enhance the ability of Island communities to pool resources and coordinate housing efforts across the Island. Such a trust could have two main purposes: 1) collect housing revenues for regional use and 2) help coordinate and fund the implementation of the Housing Production plans.

Such a trust, whether truly Island-wide or established with a subset of towns as a sub-regional trust, could be a repository for housing funds generated through a seasonal rental excise tax, a real estate transfer fee (with administration possibly provided by the Martha's Vineyard Land Bank Commission), and perhaps a portion of some local CPA funds. The Island towns are already pooling local CPA funds to help create affordable housing on the Island including for the Island Housing Trust's Village Court Apartments in Tisbury and this could provide a streamlined mechanism to continue pooling funds.

Exploration of this strategy concept would involve working with the various towns interested in exploring this idea and should include defining potential Board of Trustees membership that has representation from the existing Municipal Affordable Housing Trusts, Affordable Housing Committees, and/or Community Preservation Committees of the towns involved in such a trust. In addition, the exploration would help to develop an allocation fund formula that the trust would

use that could be based on established regional funding allocation models such as the County and/or Martha's Vineyard Commission Land Bank allocation formula.

Such a regional or sub-regional housing trust would require special legislation, which could be generally based on the Municipal Affordable Housing Trust statute (MGL c.44 s.55C). Although no other regional housing trusts are in existence yet in Massachusetts, the precedent is favorable with dozens of local trusts created through special legislation including a new local housing trust created in 2016 in Provincetown.

Implementation Milestones:

- Work with other Island towns, the Martha's Vineyard Commission, and Island housing organizations to establish an Island housing legislation coalition (that could also work on other Island-wide strategies involving special legislation). A subcommittee or task force of the coalition may be desirable to devote the focus that may be required to appropriately explore the option of creation an Island-wide or sub-regional housing trust.
- Coalition to investigate and consider benefits and challenges of created such a trust, evaluate various options including Island-wide and sub-regional model(s), work with interested towns to explore and design recommendations for board membership, possible fund allocation formula, revenue sources, and potential administration needs (and potential for cooperation/collaboration with the Martha's Vineyard Land Bank to support administration).
- If indicated, after investigation conducted above, Coalition to propose special legislation for support by involved towns and ultimately by state legislature.

Local Regulatory Strategies

PURSUE REGULATORY OPPORTUNITIES TO CREATE AFFORDABLE HOUSING

For Chilmark and all the towns on Martha's Vineyard, the imbalance between housing supply and housing demand means that regulatory reform alone will not solve all the island's affordable housing problems. Often, Chapter 40B is the best way to create affordable housing because of the design flexibility that comes with a comprehensive permit. All the towns on Martha's Vineyard should have comprehensive permit guidelines to help the Zoning Board of Appeals and other local officials communicate and work with developers as effectively as possible. Still, zoning techniques to increase supply can, when paired with other actions, provide new opportunities for growing the affordable housing inventory. The following are some ways that Chilmark could encourage affordable housing production.

8. ALLOW ACCESSORY APARTMENTS AS A PERMITTED USE

One of the easiest strategies for Chilmark would be to modify Section 6.12 and allow accessory apartments as of right, subject to a basic set of requirements, such as:

- Allow an accessory apartment in an owner-occupied single-family dwelling or an accessory structure on the same lot as an owner-occupied single-family dwelling, provided the lot conforms to current zoning;
- Require the apartment to be rented as a year-round unit;
- The existing residence must continue to look like a single-family dwelling, with no visible change to the exterior except where required by the State Building Code;
- The maximum floor area for the apartment could be 900 sq. ft. or not more than 30 percent of the gross floor area of the principal dwelling;
- Require one parking space for the apartment in addition to parking required for the principal dwelling;
- Continue to allow both one accessory apartment and one guest house on a lot (Section 6.12(A)(7));
- Require the property to comply with Title V (this does not have to be stated in the Zoning Bylaw because Title V must be met anyway, but communities often prefer to include it anyway).

Accessory apartments are not “in-law apartments,” i.e., there should be no restriction on who can live in the unit. The occupancy restriction should focus on ensuring that the homeowner lives in the home as a principal residence or for some minimum period during the year. The minimum period is a local policy issue that would need to be decided by the Town. However, Chilmark currently allows a property owner who is not a year-round resident to have an accessory apartment that is seasonally occupied by a family member or caregiver. This option does not have to be eliminated, but it should be classified under a different category of use, such as a Caregiver Suite or Family Suite with regulations like the requirements for a Guest House.

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Article 4, Use Regulations, and Section 6.12;

- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves the proposed amendments, submit required documentation to Attorney General;
- Provide public information and educational materials to Chilmark residents about the opportunity to create an accessory apartment and a simple procedures checklist for interested applicants.

9. MAKE THE HOMESITE HOUSING PROVISION A MORE FLEXIBLE TOOL FOR CREATING AFFORDABLE HOUSING

Chilmark has an existing special permit provision known as Homesite Housing in Section 6.9 of the Zoning Bylaw. It is intended to accommodate small-scale affordable housing on a one-unit-at-a-time basis for people who live or work in Chilmark and whose household income does not exceed 150 percent of the Dukes County median household income. Over a decade ago, the General Court approved special legislation authorizing affordable housing covenants in Chilmark and other Martha's Vineyard communities (Chapter 445 of the Acts of 2006), following passage of a similar bill for the Town of Nantucket a few years earlier. The affordability of a Homesite Housing unit must be secured by a Chapter 445 affordable housing needs covenant or an affordable housing deed restriction (not specifically defined in the Zoning Bylaw). In 2016, using American Community Survey (ACS) median household income estimates as a guide, the maximum eligible income for Homesite Housing in Chilmark was \$98,280 (rounded).

Homesite Housing is not designed to create many affordable units, but it could be a more effective tool with some changes, such as:

- Eliminate the Chilmark live/work eligibility requirement in Section (B)(1) so that Homesite Units can be offered to any income-eligible applicant on a fair and open basis;
- Allow construction of more than one Homesite unit on a substandard lot with at least one acre of land if at least one unit is affordable to a household with income at or below 80 percent of the Dukes County median. This option could be encouraged in areas near the Town Hall and library if Chilmark had a town center district;
- Allow the second unit to be for homeownership or rental occupancy;
- Clarify the definitions of terms such as "Homesite Housing Implementation Guidelines," e.g., who has authority to adopt and amend them, and where can an interested applicant find them, and whether "at the time of award of the lot" means the date of the special permit or some other action.

Of course, Homesite Housing would still have to comply with Title V and the Massachusetts Wetlands Protection Act, so the opportunities for more intensive use of land may be limited. Providing open space "credit land" within the watershed may help somewhat as well. Nevertheless, it is best to let environmental regulations do their job and let zoning do its job, which is to balance public and private interests and in this case, to ensure that the regional need for affordable housing is addressed.

10. CONSIDER ESTABLISHING A VILLAGE RESIDENTIAL DISTRICT NEAR THE TOWN HALL, LIBRARY, AND SCHOOL

Chilmark has a recognizable town center, but there is nothing in the Zoning Bylaw that acknowledges the vicinity of State Road, Menemsha Road, and South Road as an activity node

and a distinctive location. If the Town established a village residential district, it would be possible to create dimensional and use regulations tailored to this part of town. The opportunities to encourage village residential design should be geographically focused and not broadly available anywhere in town, so a special district in this location would make sense.

Chilmark could consider establishing a village residential district with permitted uses such as:

- Municipal facilities
- Detached single-family dwellings (already allowed)
- Two-family dwellings, at least one of which must be affordable under Chilmark's local affordability guidelines
- Rental of rooms for up to three boarders as an accessory use (already allowed)
- Accessory Uses:
 - Home occupations (already allowed)
 - Accessory apartments

And by special permit:

- Multifamily dwellings, up to eight units per dwelling; with any dwelling of four or more units, require at least one to be affordable and eligible for the Subsidized Housing Inventory
- Limited retail and office uses
- Mixed use buildings (e.g., with upper-story apartments)
- Non-accessory uses already allowed by special permit in the Agricultural-Residential districts

The district could have special dimensional regulations and design standards, and development in this area should be allowed at a higher density than one unit per three acres. Again, development here will still have to comply with Title V and the Massachusetts Wetlands Protection Act, so unless the Town provides or assists with providing shared or district-level wastewater disposal, new development options will be limited.

Implementation Milestones:

- Seek assistance from the Martha's Vineyard Commission for a two-phase project: first, to prepare a village residential district area plan, and second, to prepare the zoning for the proposed district;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments, submit required documentation to Attorney General.
- Work with property owners to make use of the new provisions;
- Make multifamily dwellings constructed under the town's zoning a priority for financial assistance from the CPC;
- Work with Town Counsel or the Massachusetts Housing Partnership to develop standard documents (affordable housing deed restriction and requirements for an Affirmative Fair Housing Marketing Plan)

11. PROVIDE FOR NATURAL RESOURCE PROTECTION ZONING (NRPZ) BY RIGHT

With Chilmark's remarkable beauty and dedication to protecting open space and natural resources, it is surprising that the Zoning Bylaw lacks provisions for residential conservation cluster developments. The Town could consider adopting Natural Resource Protection Zoning

(NRPZ), which is a “by right” tool for preserving open space and accommodating housing growth.

NRPZ is a fairly new concept in Massachusetts. It was developed by planners following a 2008 Appeals Court decision that overturned an entire section of the Town of Westwood’s zoning bylaw. Years before, Westwood had adopted a requirement that any residential development exceeding a certain number of housing units would only be allowed by special permit. Over time, the same kind of zoning was adopted in dozens of communities throughout Eastern Massachusetts. An unhappy developer in Westwood appealed a decision of the Planning Board, and out of the extended litigation that followed, the Court determined that a special permit could not be imposed on a subdivision that meets all the requirements under Subdivision Control. A group of planners and land use attorneys met informally several times to figure out options for cluster development after 2008, and the result is NRPZ, which was first adopted in Shutesbury about six years ago.

The NRPZ approach involves laying out the zoning standards that a residential subdivision must meet to comply with zoning and be eligible for subdivision approval. Like the old Westwood bylaw, NRPZ is typically triggered by projects meeting a certain size threshold (but it can be as low as any project with two or more units); when the trigger is met, the applicant must design the subdivision to comply with NRPZ design requirements, including the mandatory provision of open space. Applicants wishing to be exempt from NRPZ could request a waiver and the Planning Board could grant one by special permit.

A typical NRPZ bylaw institutes a simple process for figuring out the number of units allowed in a development, typically a yield formula. Overall, NRPZ provides the advantages of predictability and speed for the developer and administrative simplicity for town boards. NRPZ bylaws often provide for density bonuses, too, though they almost always require a special permit. Density bonuses may be granted for projects that offer more than the minimum required open space, senior housing, or affordable housing.

If Chilmark decides to consider NRPZ, the Planning Board will want to think about the following policy issues:

- Minimum open space set-aside;
- Applicability threshold (does a project have to be a certain size before NRPZ requirements apply, or can it be any subdivision of two or more units?);
- Conditions for granting density bonuses – specifically, how many additional market-rate units will be allowed to subsidize the inclusion of affordable housing?
- Whether NRPZ developments should be allowed anywhere in Chilmark or targeted to certain locations, e.g., the districts with a three-acre minimum lot size, or some subset of these districts.

Implementation Milestones:

- Review a sample of NRPZ bylaws that have been adopted in other communities and review the model bylaw in the state’s “Smart Growth Toolkit”: http://www.mass.gov/envir/smart_growth_toolkit/
- Interview Planning Board members and town planners in a selection of communities that have adopted NRPZ (whether town-wide or within specific districts), and learn about their experiences with this approach to regulating housing development;

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed changes to Section 3.3-2, Compact Siting;
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves amendments to Section 4.3, submit required documentation to Attorney General.

12. ADOPT VISITABILITY DESIGN STANDARDS

Zoning that specifically calls for “visitability” by design would help to accommodate seniors and people with disabilities, and others with a need for barrier-free housing. Basic features of visitable housing design standards:

- Single-family, two-family, and townhouse units shall provide for:
At least one zero-step entrance,
Doorways with a 36-inch clear passage space,
Master bedroom and an accessible bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance, and
Indoor or structured parking.
- Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.
- Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.
- Standards such as these can be adopted as part of a special permit process for multifamily housing, residential cluster developments, or zoning for assisted living facilities (which are required to meet guidelines set by the Department of Elder Affairs, too).

Implementation Milestones:

- Seek technical assistance from the Martha's Vineyard Commission to draft proposed visitability design standards.
- Planning Board must hold a public hearing in accordance with G.L. c. 40A, Sec. 5, prior to town meeting, and present a report and recommendations to town meeting;
- If town meeting approves zoning amendments, submit required documentation to Attorney General.

Action Plan

#	Housing Strategies	FY2018	FY2019	FY2020	FY2021	FY2022	Responsible Entity	Supporting Entities
1	Offer municipal property at little or no cost for development of affordable and/or mixed-income housing						Affordable Housing Committee/Trust	Board of Selectmen and Town Meeting
2	Work closely with the Martha's Vineyard Land Bank to facilitate private donations of property for development of affordable and/or mixed-income housing						Affordable Housing Committee/Trust	Board of Selectmen and Town Meeting
3	Advocate for adoption of special legislation to increase the existing real estate transfer fee to promote creation of affordable housing						Affordable Housing Committee	Board of Selectmen and Town Meeting
4	Advocate for adoption of special legislation to create a seasonal rentals excise tax						Affordable Housing Committee	Board of Selectmen and Town Meeting
5	Advocate for adoption of property tax incentives to encourage affordable year-round rental of units to households with up to 80 percent AMI*						Affordable Housing Committee	Board of Selectmen and Town Meeting
6	Support creation of an Island Seasonal Housing Task Force and its initiatives						Martha's Vineyard Commission	Board of Selectmen
7	Explore creation of an Island-wide or sub-regional housing trust						Affordable Housing Committee	Community Preservation Committee; Board of Selectmen; and Town Meeting
8	Allow accessory apartments as a permitted use						Planning Board	Town Meeting
9	Make the Homesite Housing provision a more flexible tool for creating affordable housing						Planning Board	Town Meeting
10	Consider establishing a village residential district near the town hall, library, and school						Planning Board	Town Meeting
11	Provide for Natural Resource Protection Zoning (NRPZ) by right						Planning Board	Town Meeting
12	Adopt visitability design standards						Planning Board	Town Meeting

Note: lighter shade indicates strategies that are ongoing and/or should be implemented as opportunities arise, rather than a specific schedule.

CHAPTER 4

DEMOGRAPHIC PROFILE

Key Findings

- Chilmark has the second smallest population of the Island's six towns with an estimated 905 residents in the most recent American Community Survey (ACS).
- Chilmark's population is a bit older than the Island overall with fewer children and more older adults as a percentage of total population and is expected to continue to age.
- The year-round population primarily identifies racially as white alone and has less racial and ethnic diversity than some of the other Island communities.
- Chilmark is estimated to have fewer households in 2014 than 2000, despite modest year-round population growth in that time – household sizes are estimated to be larger with average household size increasing from 2.21 to 2.93 in that time.
- About 38 percent of year-round households in Chilmark are estimated to have low/moderate income. The thresholds for low/moderate income are based on household size – in the Dukes County area, the income threshold for a two-person household to have low/moderate income, for example, would be \$52,600.

The 2013 Housing Needs Assessment recognized the following demographic trends:

- Increasing growth of population on the Island – this report finds modest population growth on the Island overall but this growth is inconsistently distributed among the Island's communities, with Aquinnah losing the most population and Oak Bluffs gaining the most.
- Declining numbers of younger residents and increases in older ones – this report finds this trend is continuing.
- Increasing number of smaller households – this report finds that average household sizes have increased in more recent years, with larger households forming and less households overall despite Island-wide population growth.
- Relatively high median incomes, with disparities for those who rented and those who owned their homes – this finding of disparity is consistent with this reports findings, but median income overall is comparable to the state's median income
- A significant number of households earning lower income, which this report also finds.

Population Growth & Change

TOTAL POPULATION CHANGE

Chilmark has the second smallest population of the Island's six towns, with an estimated 905 residents per the 2014 ACS. Chilmark's total population was about 5 percent of the total county population in 1930 and is still about 5 percent in 2014. Chilmark's population grew significantly between 1960 and 2000, from about 238 people to 843 people. Between 2000 and 2010, the population growth slowed to about 3 percent with another 5 percent gain estimated between 2010 and 2014.

According to the UMass Donahue's population projections, the population is expected to decline 18 percent between 2014 and 2030 to about 745 people and is expected to continue to decline to about 718 people by 2035.

TABLE 4.1: POPULATION CHANGE 1930-2014 & 2030 PROJECTIONS

Year	CHILMARK		DUKES COUNTY	
	Population	% Change	Population	% Change
1930	252		4,953	--
1940	226	-10%	5,669	14%
1950	183	-19%	5,633	-1%
1960	238	30%	5,829	3%
1970	340	43%	6,117	5%
1980	489	44%	8,942	46%
1990	650	33%	11,639	30%
2000	843	30%	14,987	29%
2010	866	3%	16,460	10%
2014	905	5%	16,816	2%
2030 projected	745	-18%	17,902	6%
2035 projected	718	-7%	18,453	3%

Source: Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey, as provided by MVC; Massachusetts Population Projections, UMass Donahue Institute, as provided by MVC.
Note: ACS data based on samples and are subject to variability

AGE COMPOSITION

Chilmark's population is estimated to be significantly older than the county population. The estimated median age of 50.3 was significantly older than the county median of 45.7. In 2000, Chilmark's median age was 45.6 and the county was 40.7.

Per the 2014 ACS estimates, about 16 percent of the population in Chilmark were children age nineteen and under. County-wide, this age cohort made up about 21 percent of the total population.

In 2000, about 19 percent of the Chilmark population was age sixty-five and over. By 2014, it is estimated that about 22 percent of the town's population was age sixty-five and over. However, the UMass Donahue projections indicate that this age cohort will increase to about 34 percent of the total population by 2035. The 2035 projections for the county indicate the over age sixty-five population will constitute about 29 percent of the total population.

TABLE 4.2: AGE DISTRIBUTION 2000-14 & 2035 PROJECTIONS

Age	2000				2014				2035 projection			
	CHILMARK		DUKES COUNTY		CHILMARK		DUKES COUNTY		CHILMARK		DUKES COUNTY	
	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%	Est.	%
under 19	182	22%	3,665	25%	143	16%	3,597	21%	122	17%	3,492	19%
20 to 64	503	60%	9,169	61%	563	62%	10,263	61%	350	49%	9,622	52%
65 +	168	19%	2,153	14%	199	22%	3,055	18%	246	34%	5,339	29%
Total	843	100%	14,987	100%	905	100%	16,915	100%	718	100%	18,453	100%
Median Age	45.6		40.7		50.3		45.7		---		---	

Source: Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey, as provided by MVC; Massachusetts Population Projections, UMass Donahue Institute, as provided by MVC. Note: ACS data based on samples and are subject to variability

RACIAL COMPOSITION

The 2014 estimates indicate that about 97 percent of Chilmark's total population identifies racially as white alone, which is slightly more than county-wide figures: about 94 percent of the total county population identifies as racially white alone. About 0.66 percent of Chilmark's total population identifies racially as black/African American, and none of the population identifies as American Indian/Alaska Native, Native Hawaiian/other Pacific Islander, or Asian alone.

The ACS estimates indicate that about twenty-four people in Chilmark identify as two or more races.

TABLE 4.3: RACIAL COMPOSITION, 2000-14

	CHILMARK			DUKES COUNTY		
	2000	2014	% Change 2000-14	2000	2014	% Change 2000-14
Population of one race	837	881	5%	14,509	16,673	15%
White	824	875	6%	13,592	15,975	18%
Black or African American	3	6	100%	359	305	-15%
American Indian and Alaska native	1	0	-100%	256	110	-57%
Asian alone	3	0	-100%	69	151	119%
Native Hawaiian and other Pacific Islander	0	0	--	11	0	-100%
Some other race	6	0	-100%	222	132	-41%
Population of two or more races	6	24	300%	478	242	-49%
Total population	843	905	7%	14,987	16,915	13%

Source: US Census 2000, Martha's Vineyard Housing Needs Assessment 2013; 2010-2014 American Community Survey; Massachusetts population projections, UMass Donahue Institute. Note: ACS data based on samples and are subject to variability

FOREIGN-BORN POPULATION

Only about 2.5 percent of total Chilmark population are estimated to be foreign-born, most of which originated in Europe, primarily England and Eastern Europe. The foreign-born population in the county is more prevalent with about 7.5 percent of the total county population, many of which originated from Brazil as well as some from Cambodia, Ireland, and Poland.

TABLE 4.4: NATIONAL ORIGIN OF FOREIGN-BORN POPULATION, 2014

	CHILMARK		DUKES COUNTY	
	Estimate	%	Estimate	%
Total Foreign Born Persons:	22	100%	1,260	100%
Europe:	22	100%	487	39%
Northern Europe:	13	59%	199	41%
United Kingdom (excluding England and Scotland)	2	15%	30	15%
England	11	85%	35	18%
Ireland	0	0%	108	54%
Denmark	0	0%	1	1%
Sweden	0	0%	25	13%
Western Europe:	2	9%	97	20%
Austria	0	0%	72	74%
France	0	0%	7	7%
Germany	2	15%	7	7%
Netherlands	0	0%	11	11%
Southern Europe:	0	0%	43	9%
Portugal	0	0%	43	100%
Eastern Europe:	7	32%	148	30%
Bulgaria	0	0%	17	11%
Czechoslovakia (incl. Czech Republic and Slovakia)	2	29%	2	1%
Hungary	2	29%	2	1%
Poland	0	0%	103	70%
Romania	3	43%	3	2%
Russia	0	0%	21	14%
Asia:	0	0%	165	13%
Eastern Asia:	0	0%	41	25%
China	0	0%	30	73%
China, excluding Hong Kong and Taiwan	0	0%	30	73%
Japan	0	0%	3	7%
Korea	0	0%	8	20%
South Eastern Asia:	0	0%	112	68%
Cambodia	0	0%	112	100%
Western Asia:	0	0%	12	7%
Lebanon	0	0%	12	100%
Americas:	0	0%	608	48%
Latin America:	0	0%	593	98%
Caribbean:	0	0%	81	14%
Barbados	0	0%	11	14%
Jamaica	0	0%	70	86%
South America:	0	0%	512	86%
Brazil	0	0%	512	100%
Northern America:	0	0%	15	2%
Canada	0	0%	15	100%

Source: 2010-2014 American Community Survey Note: ACS data based on samples and are subject to variability

RESIDENCE ONE YEAR AGO

Per the 2014 ACS, about 93 percent of residents in Chilmark lived in the same house the year prior, which is comparable to the county. Of the residents that moved to Chilmark within the prior year, most moved from a different state.

TABLE 4.5: GEOGRAPHIC MOBILITY: RESIDENCE ONE YEAR AGO, 2014

	CHILMARK		DUKES COUNTY	
	Units	%	Units	%
Total	899	100%	16,516	100%
Same Home	834	93%	15,394	93%
Same County	16	2%	330	2%
Same State	0	0%	231	1.4%
Different State	49	5%	429	2.6%
Abroad	0	0%	132	.8%

Source: 2010-14 American Community Survey as provided by MVC. Note: ACS data based on samples and are subject to variability

Household Characteristics

Although total population increased over 7 percent between 2000 and 2014, the total number of households declined from 382 to 307, while the average household size increased from 2.21 persons per household to 2.93. This trend is contrary to the county as a whole where average household size decreased (although total number of households also decreased in the county). Per the 2014 ACS estimates, average household size in Chilmark was larger than county wide (2.30) and larger than statewide (2.53).

About 52 percent of Chilmark's total households are family households and about 15 percent of the family households have children under age eighteen years – significantly lower than the percentage with children in the county of 26 percent. Chilmark also has a much larger percentage of people living alone (38 percent) than in the county (29 percent). And, Chilmark has a larger percentage of older adults living alone – 18 percent of all people living alone in the town and 13 percent in the county. In both the town and the county, the number and percentage of people age sixty-five and over living alone declined substantially.

The percentage of family households with children declined from close to 26 percent of families to 15 percent between 2000 and 2014 and the absolute number of families with children also decreased from ninety-eight to an estimated forty-six.

TABLE 4.6: HOUSEHOLD CHARACTERISTICS 2000 & 2014

	CHILMARK					DUKES COUNTY			
	2000		2014			2000		2014	
Household Type	#	%	Est	%		#	%	Est	%
Total households	382	100.0 %	307	100%		6,421	100.0 %	5,839	100.0 %
Total family households	238	62.3%	160	52%		3,791	59.0%	3,863	66%
Family households with related children under 18 years	98	25.7%	46	15%		1,824	28.4%	1,535	26%
Male householder, no wife present with own children	NA	--	4	1%		NA	--	13	<1%
Female householder, no husband present with own children	17	17.3%	3	1%		384	21.1%	584	10%
Nonfamily households	144	37.7%	147	48%		2630	41.0%	1,986	34%
Householder living alone	113	29.6%	117	38.4%		2054	32.0%	1,675	29%
65 years and over living alone	35	31.0%	21	18%		715	34.8%	96	13%
Average household size	2.21		2.93	--		2.86	--	2.30	--
Average family size	2.71		4.01	--		3.39	--	2.91	--
Source: US Census 2000; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability									

Source: US Census 2000; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

HOUSEHOLD TENURE

About only 12 percent of households in Chilmark rent their home and about 88 percent own their home. Chilmark's percentage of renter households is much smaller the county and the state as a whole where about 22 percent in the county and 38 percent in the state are renters per the 2014 ACS estimates.

TABLE 4.7: HOUSEHOLD HOUSING TENURE 2014

Tenure Type	CHILMARK	DUKES COUNTY
Own	269	4,552
Rent	38	1,281
Total	307	5,839
% Own	88%	78.06%
% Rent	12%	21.94%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability. As provided by MVC.

HOUSEHOLD INCOME DISTRIBUTION

Chilmark's median household income, per the 2014 ACS estimates, was \$67,813, somewhat higher than the Dukes County median of \$65,518. According to the 2014 estimates, Oak Bluffs has the highest median household income of \$80,225, West Tisbury has the second highest median household income of \$73,843 and Chilmark has the third highest. Tisbury has the lowest median household income of \$42,727. The Massachusetts median household income is estimated to be \$67,846 per the 2014 ACS, most comparable to Chilmark. Chilmark's median income is estimated to have declined between 2010 and 2014.

TABLE 4.8: MEDIAN HOUSEHOLD INCOME 1990-2014

	Median Income						
	Aquinnah	Chilmark	Edgartown	Oak Bluffs	Tisbury	West Tisbury	Dukes County
1990	18,250	34,375	36,285	31,117	28,281	32,422	31,994
2000	45,208	41,917	50,407	42,044	37,041	54,077	45,559
2010	57,500	72,917	67,625	59,156	58,551	71,667	62,407
2014	65,833	67,813	56,911	80,225	42,727	73,843	65,518

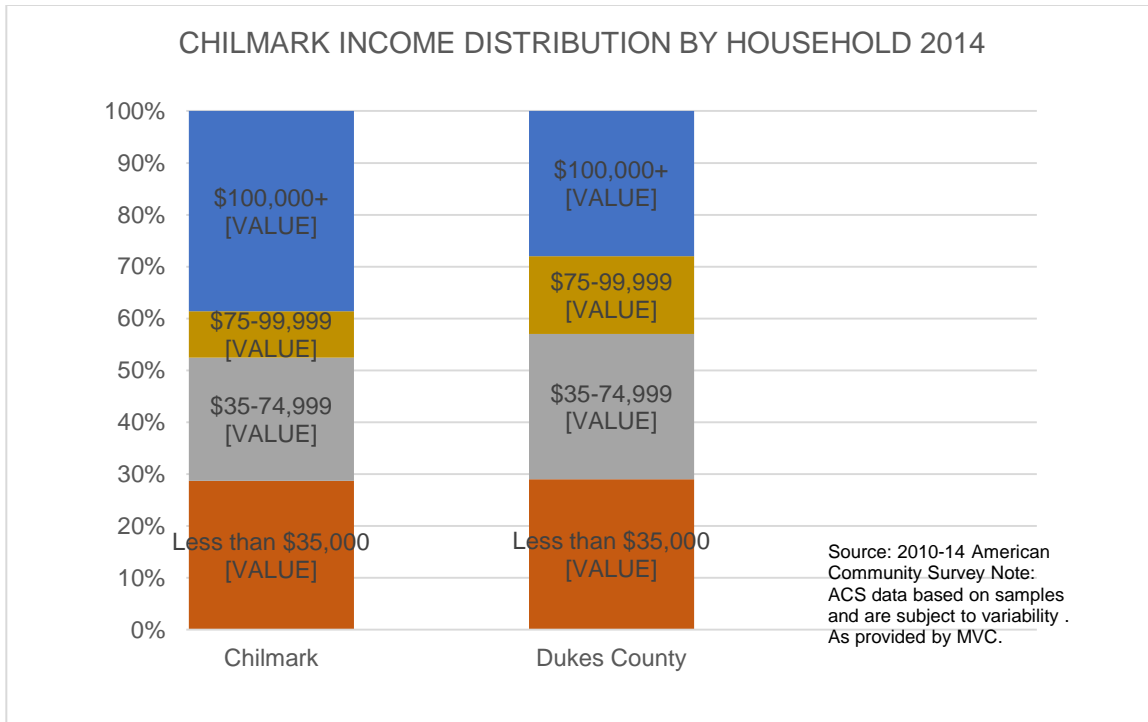
Source: US Census 1990-2010; Martha's Vineyard Housing Needs Assessment 2013; 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability. As provided by MVC.

About 39 percent of total households in Chilmark have incomes of \$100,000 or over, which is significantly more than the county where about 28 percent of households have incomes of \$100,000 or over. But, Chilmark has a comparable percentage of lower-income households as the county with about 29 percent of total households having incomes of less than \$35,000. A smaller percentage of households in Chilmark have incomes in the middle- between \$35,000 and \$100,000 than in the county – only about 33 percent have incomes in this range in Chilmark as compared to about 43 percent of households in the county.

TABLE 4.9: INCOME DISTRIBUTION BY HOUSEHOLD 2014

Income Level	CHILMARK		DUKES COUNTY	
	# of Households	% of Households	# of Households	% of Households
Less than \$34,999	86	29%	1,669	29%
\$35,000 to 74,999	73	24%	1,639	28%
\$75,000 to 99,999	27	9%	847	15%
\$100,000 +	121	39%	1,684	28%
Total	307	100%	5,839	100%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability. As provided by MVC.



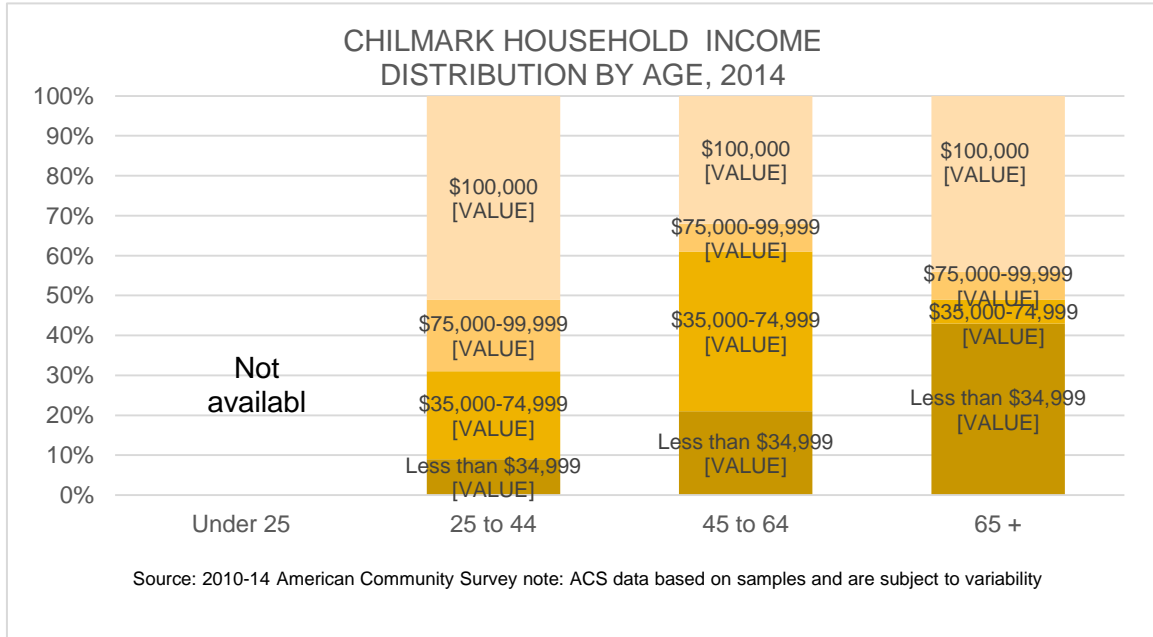
Households with younger and older householders will typically have lower incomes than households with householders in the middle (between twenty-five and sixty-four years of age) as seen for the estimated median income for Dukes County households by age of householder where the estimated median income for all households is \$65,518 but households with a householder less than twenty-five years of age have an estimated median income of \$50,114, and those with householder over sixty-five years have an estimated median income of only \$41,875 – a gap of about \$15,400 and \$23,600 respectively.

In Chilmark, however, this is not the case according to the 2014 ACS estimates. Households with a householder over sixty-five had a significantly higher estimated median income of \$76,875 compared with the median household income for all ages of \$67,813. Chilmark's estimates also indicate a significant difference in median income between households with householders age twenty-five to forty-four years (\$102,679) and forty-five to sixty-four years (\$60,179).

TABLE 4.10: MEDIAN INCOME DISTRIBUTION BY AGE OF HOUSEHOLDER 2014

	CHILMARK	DUKES COUNTY
	Estimate	Estimate
Under 25 years	-	\$50,114
25 to 44 years	\$102,679	\$73,310
45 to 64 years	\$60,179	\$74,188
65 years and older	\$76,875	\$41,875
Median income for all ages	\$67,813	\$65,518

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

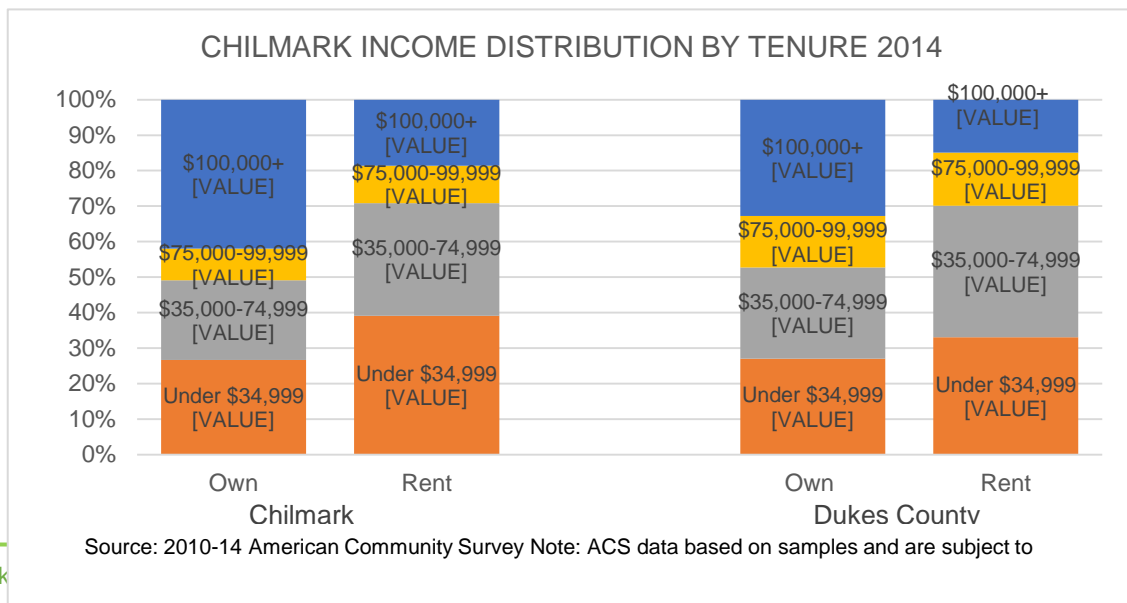


The median income of renter households is often lower than for owner households and this holds true at both the county and local level. The estimated 2014 median home owner household income in the county is \$69,827 and in Chilmark is \$75,781; the estimated median income for renter households in the county is \$46,544 and in Chilmark is \$40,500. The estimated 2014 median home owner household income in Chilmark is higher than the median in the county but the median renter income in Chilmark is lower than the county.

TABLE 4.11: MEDIAN INCOME BY TENURE 2014

Median Income	CHILMARK	DUKES COUNTY
Owner	\$75,781	\$69,827
Renter	\$40,500	\$46,544

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability



Poverty

Chilmark had a significantly high population, including children, living in households with income below the federal poverty thresholds. Per the 2014 weighted average federal poverty thresholds, a household of three is below the poverty threshold if household income is at or below \$18,850.¹³ In Chilmark, per the 2014 ACS estimates, close to 14 percent of total population were living in households with incomes below poverty thresholds and almost 8 percent of children under age eighteen years. The only other Island communities with higher poverty rates were Aquinnah (15.4 percent) and Tisbury (18.2 percent).

In Massachusetts, per the 2014 ACS, about 11.5 percent of the total population were living in households with incomes below poverty thresholds and about 15 percent of total children under age eighteen years. In Dukes County, about 10 percent of the total population were living in households with incomes below the poverty thresholds and about 13 percent of total children in the county.

¹³ 2016 Federal Poverty Thresholds <http://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>, accessed 12/29/16.

Homelessness

Martha's Vineyard reported six unsheltered individuals, three sheltered individuals, and five sheltered family members in a motel for a total of fourteen for the federal Point in Time Count 2016.¹⁴ Between January and March 2016, Hospitality Homes (HH) provided winter shelter for twenty-two individuals – eighteen men and four women. There are no other shelters on the Island.

A total of forty-seven individuals (thirty-two men and fifteen women) and eight families have been identified by the Housing Assistance Corporation (HAC) as homeless between January and June 2016, including the individuals who slept at HH. However, these figures do not include residents who are involved with the "summer shuffle" and who are displaced temporarily for the summer months while their housing is used as short term rentals for tourists.

Homeless individuals on the Vineyard are challenging to house because they often have limited income, no positive rental history, and no assets. In addition, the majority have chronic physical and/or emotional handicaps, complex needs, and trauma histories. Approximately 75 percent of this population have a history of current or previous addiction to drugs or alcohol. Sixty-three percent of the homeless individuals presenting at the Housing Assistance Corporation Office in Vineyard Haven have a diagnosed disability, including Traumatic Brain Disorder, Asperger's Syndrome, chronic heart condition, HIV/Aids, physical handicap, emotional disability, or cognitive impairment. Many of these individuals would benefit from a supportive housing situation with case management services.

Of the eight families that identified as homeless, two were domestic violence situations, six had young or school age children, and two were employed married couples. Four individuals had been awarded Massachusetts Rental vouchers that would pay for a one-bedroom apartment up to \$1,088/month, but remained homeless because of the total lack of affordable apartments on the Island.

Disability

Per the 2014 ACS, Chilmark and county estimates of population with physical or cognitive disabilities, with about 9 percent in Chilmark and 8 percent in the county, were less than the estimated statewide population with disabilities (about 12 percent). Historically, Chilmark had a prevalence of hearing disabilities, but this issue is no longer prevalent.

TABLE 4.12: POPULATION BY ESTIMATED DISABILITY STATUS 2014

	CHILMARK			DUKES COUNTY		
	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated	Non-institutionalized civilian population estimated	With disability estimated	% of population estimated

¹⁴ The homelessness information was provided by Karen Tewhey, HCEC Housing Counselor, Housing Assistance Corporation. On Cape Cod.

Under 18	143	5	1%	3,177	43	0%
18-64	556	34	4%	10,649	595	4%
65 +	199	39	4%	2,997	624	4%
Total	898	78	9%	16,823	1,262	8%

Source: 2010-14 American Community Survey Note: ACS data based on samples and are subject to variability

Economic Characteristics

A significant economic difference apparent on the Island in comparison to statewide is that there is a prevalence of self-employed workers in all Island towns. Statewide, the 2014 ACS estimates indicate that only 6 percent of all workers age sixteen years and older are self-employed, yet about 19 percent of all workers in Dukes are self-employed and about 14 percent in Chilmark are self-employed.

Roughly 55 percent of Chilmark's total labor force is employed in the services sector, which includes professional, scientific, management, administrative, entertainment, food, accommodations, and other services. About 45 percent of Dukes County labor force is employed in the services sector. About 8 percent is employed in construction in Chilmark and about 16 percent in construction in the county. About 11 percent in the town and 4 percent in the county are employed in government. And, about 10 percent in the town and 11 percent in the county is employed in finance, insurance, or real estate.

TABLE 4.13: EMPLOYMENT BY SECTOR 2015

Industry	CHILMARK		DUKES COUNTY	
Services ¹⁵	246	55%	3,950	45%
Construction	35	8%	1,408	16%
Wholesale & Retail Trade	7	2%	1,049	12%
Finance, Insurance, Real Estate	47	10%	937	11%
Manufacturing	5	1%	329	4%
Government	48	11%	384	4%
Transportation, Warehousing	4	1%	211	2%
Information	27	6%	316	4%
Agriculture, Forestry, Fishing	15	3%	180	2%
Total civilian employed population >16 years and older	449	100%	8,764	100%

Source: MA Executive Office of Labor and Workforce Development

The unemployment rate in Chilmark is less than county wide – per the MA Executive Office of Labor and Workforce Development (EOLWD) 2015 figures, Chilmark's unemployment rate was 4.7 percent and the county was 6.9 percent. However, as expected in a resort area, the average January unemployment rate is higher than the annual rate – 8.4 percent for the town and 12 percent for the county –the town January rate is lower than county-wide.

TABLE 4.14: AVERAGE EMPLOYMENT 2015

	CHILMARK	DUKES COUNTY
Labor Force	470	9,328

¹⁵ Includes professional, scientific, management, administrative, waste management, education, health care, social assistance, arts, entertainment, food, accommodations, recreation and other services.

Employed	448	8,688
Unemployed	22	640
Area Unemployment Rate	4.7%	6.9%
MA Rate	5%	5%
Average January Unemployment Rate Area	8.4%	12%
Average January Rate MA	5.8%	5.8%

Source: MA Executive Office of Labor and Workforce Development

EDUCATIONAL ATTAINMENT

Per the 2014 ACS estimates, a significantly greater share of Chilmark residents had attained higher education levels as residents county-wide. About 63 percent of Chilmark's population twenty-five years and over have a Bachelor's degree or higher; whereas about 41 percent county-wide have a Bachelor's degree or higher. About 40 percent of the statewide population twenty-five years and over has a Bachelor's degree or higher.

CHAPTER 5

LOCAL HOUSING CONDITIONS

Key Findings

- Seventy-nine percent of all housing units in Chilmark are for seasonal or vacation uses.
- The median arm's length sale price from 2013 to 2015 for residential properties was \$1,320,000.
- Since 1980, renters have been moving into Chilmark at a relatively steady pace compared with the Vineyard as a whole.
- The total number of year-round renter households decreased by 137 percent between 2000 and 2014.

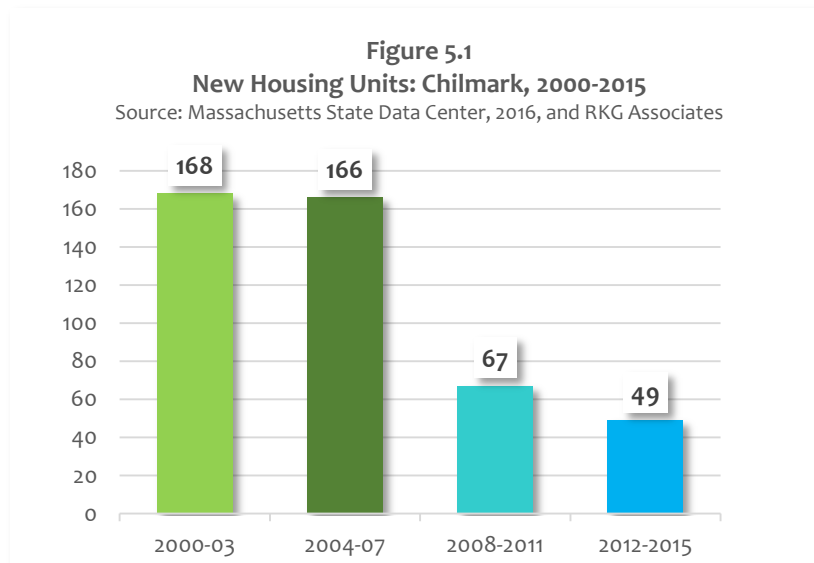
Housing Supply and Vacancy Trends

OVERVIEW

Chilmark's housing stock consists of approximately 1,560 housing units, the vast majority of which are used for seasonal or vacation purposes (79 percent). Of the town's 307 year-round residents, 88 percent (269) are homeowners. Available estimates from the Census Bureau indicate that Chilmark has just thirty-eight year-round renters.¹⁶

PERMIT ACTIVITY

According to data published by the Massachusetts State Data Center, Chilmark issued new construction building permits for twelve single-family dwellings in 2015, with a combined total construction cost of \$1,488,155.¹⁷ Since 2005, the number of new building permits has steadily declined at an average rate of 3.4 units per year, or 7.9percent. Chilmark has also had no new multifamily construction since 1996, the



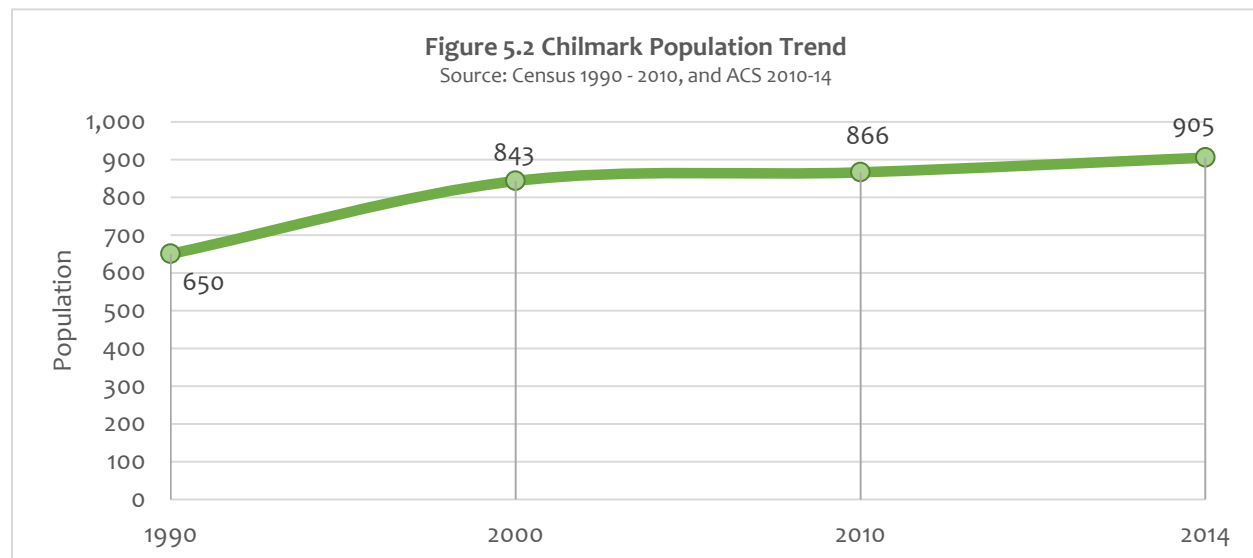
¹⁶ US Bureau of the Census, American Community Survey Five-Year Estimates (2010-14), "B25003: Tenure", "B25001: Housing Units". B25003 Tenure, and "B25004: Vacancy Status."

¹⁷ Massachusetts State Data Center, "Annual Building Permit Data for All Cities and Towns," citing Census Bureau Construction Statistics, 2000-2015.

last year reported by the Census Bureau. Fig. 5.1 illustrates Chilmark's long-term pattern of declining rates of housing production.

Population Trends

Chilmark is a tight-knit community with a small population located on the southwestern portion of Martha's Vineyard. Since 1990, the population of Chilmark has grown by 39 percent, or 255 residents.¹⁸ Over the course of nearly 25 years there has been a sustained growth of population in Chilmark which results in affecting both the supply and demand for housing in the town.



Residential Property Characteristics

Chilmark 10,639 acres in size, with residential land occupying 37 percent of the Town. The predominant land use in Chilmark is parcels containing single-family homes, which comprise 19 percent of the land area. These single-family parcels have an average value of \$958,556. Parcels containing multiple homes on one parcel not only have the highest average value (\$1,714,425), but also have the largest average parcel size at 5.08 acres per parcel.

TABLE 5.1 RESIDENTIAL LAND USE

Use Type	Percent of Land	Count	Average Acreage	Average Value
Single-Family	19%	1,491	2.62	\$958,556
Condominium	0%	9	2.56	\$256,078
Two-Family	0%	18	1.69	\$686,094
Three-Family	0%	1	0.40	\$396,800
Mixed Use (Primarily Residential)	0%	4	4.38	\$1,714,425
Mobile Home	0%	4	0.80	\$293,300

¹⁸ U.S. Census, 1990, 2000, 2010, and American Community 2010-2014, "Total Population"

Multiple Homes on One Parcel	8%	324	5.08	\$1,717,608
Apartment	0%	1	1.87	\$1,002,600
Potentially Developable Residential Land	9%	385	4.70	\$557,065
Other Non-Residential Uses	63%	629	20.36	\$968,730

Source: MassGIS, reporting data from the Edgartown Assessor's Office, 2016

TRENDS IN RESIDENTIAL PROPERTY VALUES

A review of trends in residential property values provides some perspective on what is occurring with housing costs in the local real estate market. Data from the Massachusetts Department of Revenue (DOR) and other sources can offer insights about residential assessed values, average single-family home values, tax rates, and tax bills for each municipality in the Commonwealth. For this analysis of residential property trends, a thirteen-year time period has been used in order to understand how values have changed, particularly before, during, and after the Great Recession (2007-2009).

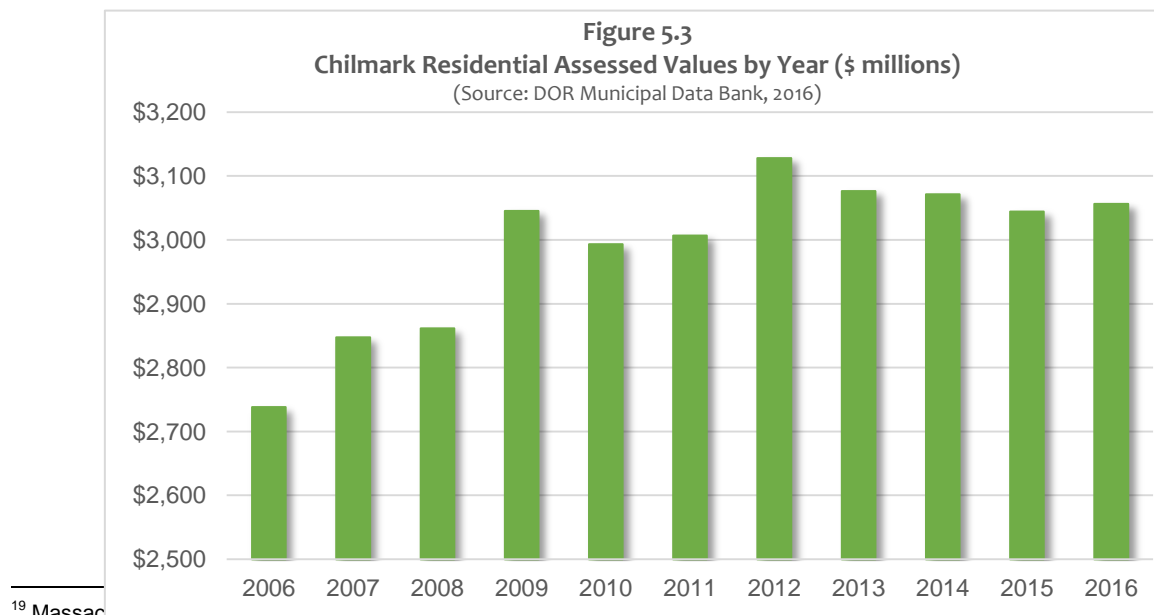
TABLE 5.2. TAX RATES AND AVERAGE TAX BILLS FY16

Municipality	Single-family Assessed Values	Single-family Parcels	Single-family Average Value	Residential Tax Rate	Average Single-family Tax Bill
Aquinnah	\$485,826,497	394	\$1,233,062	5.35	\$6,597
Chilmark	\$2,019,507,700	1,069	\$1,889,156	2.71	\$5,120
Edgartown	\$4,204,709,800	3,410	\$1,233,053	3.62	\$4,464
Oak Bluffs	\$1,987,895,100	3,331	\$596,786	8.11	\$4,840
Tisbury*	N/A	N/A	N/A	N/A	N/A
West Tisbury	\$1,399,518,788	1,450	\$965,185	6.06	\$5,849

Source: DOR, 2016

*Note: DOR does not calculate and report an average single-family home value for Tisbury.

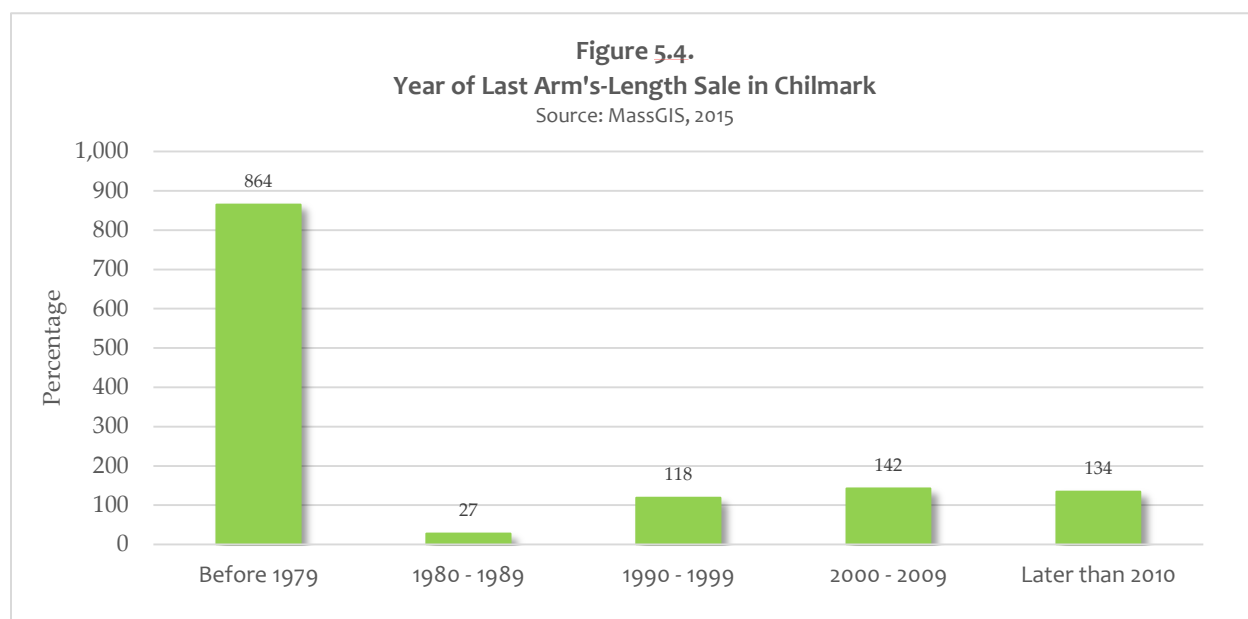
In 2016, the total assessed value of all residential parcels in Chilmark was just under \$3,100,000. Residential property values have been steadily increasing since 2006, increasing at a rate of 1.16 percent annually.¹⁹ As Figure 5.3 shows, there were value spikes in both 2009 and 2012 which likely a readjustment in market values due to the Great Recession.



¹⁹ MassGIS

Owner-Occupied Housing Characteristics

The Massachusetts Department of Revenue (2016) defines the criteria of an “arm’s-length” as meeting three criteria, “(1) willing seller and buyer not under compulsion; (2) knowledgeable, unrelated parties; (3) property on the market for a reasonable period of time”. The majority of “arm’s length” sales took place before 1980, as seen in Figure 5.4, which indicates low housing turnover. Unfortunately, this creates a very tight housing market which drives up sale prices where demand is high and supply is low. This can create a challenging situation for low- and moderate-income buyers who may be looking for a year-round residence in Chilmark, but cannot find housing that is affordable. A housing study conducted by DePaul University in 2014 concluded, “A steady rate of turnover, or sales, of homes is essential to a healthy housing market and local economy because it spurs consumer spending, makes less-expensive “starter” homes available to new homebuyers as existing homeowners “trade up,” and enables the local labor market to function most efficiently by allowing households to be mobile.”²⁰



HOMEOWNER HOUSEHOLDS BY AGE

Two hundred and sixty-nine year-round homeowners currently reside in Chilmark. Similar to Martha’s Vineyard as a whole, homeowner ages in Chilmark are relatively well dispersed across age groups. One key difference that sets Chilmark apart from the Vineyard is the higher percentage of homeowners between the ages of 75 and 84.²¹

²⁰ Institute for Housing Studies, DePaul University, “The Impact of Lock-in Effects on Housing Turnover and Implications for a Housing Recovery” (February 2014).

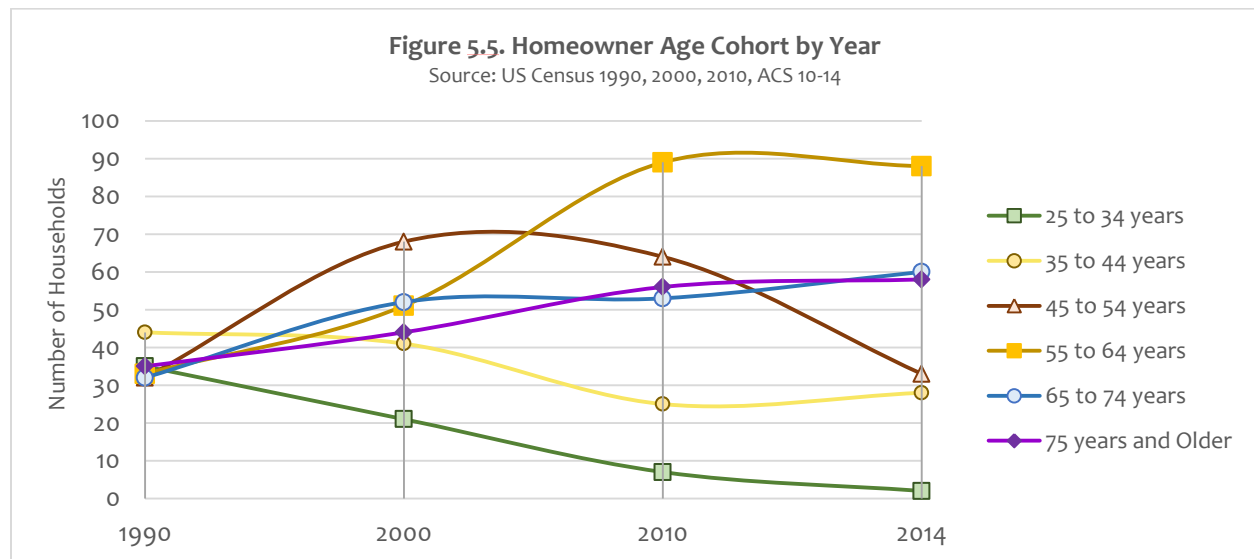
²¹ US Bureau of the Census, American Community Survey 2010-14, “B25007: Tenure by Age of Householder”.

TABLE 5.3. HOMEOWNER HOUSEHOLDS BY AGE

	Chilmark		Island-wide
	Count	Percent	Percent
Owner occupied Units	269	88%	78%
Householder 25 to 34 years	2	1%	3%
Householder 35 to 44 years	28	10%	15%
Householder 45 to 54 years	33	12%	24%
Householder 55 to 59 years	35	13%	15%
Householder 60 to 64 years	53	20%	12%
Householder 65 to 74 years	60	22%	18%
Householder 75 to 84 years	47	17%	11%
Householder 85 years and over	11	4%	3%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Since 1990, most age cohorts in Chilmark have either remained relatively flat or declined in terms of the percentage they comprise of the Town's overall population. Figure 5.5. illustrates the population changes by age cohort between 1990 to 2014. The one exception are residents aged 55 to 64, which increased 167 percent during the twenty-four-year period. On the other end of the spectrum, homeowners aged 24 to 34 have declined substantially to the point where there are almost no younger homeowners in Chilmark.²²



HOMEOWNER HOUSEHOLDS BY INCOME

The median income for a year-round homeowner in Chilmark is \$67,813.²³ According to the most recent ACS estimates, 44 percent of year-round homeowners have an income of more than \$100,000 a year. This is higher than the Vineyard, where only 33 percent of homeowners have an income above \$100,000. Table 5.4. shows the income distribution among year-round owner-occupied households.

²² US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

²³ US Bureau of the Census, American Community Survey 2010-14, "B25119: Median Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars) by Tenure".

TABLE 5.4. HOMEOWNER HOUSEHOLDS BY INCOME

	Chilmark		Island-wide
	Count	Percent	Percent
Less than \$5,000	4	1%	4%
\$5,000 to \$9,999	7	3%	2%
\$10,000 to \$14,999	13	5%	4%
\$15,000 to \$19,999	10	4%	3%
\$20,000 to \$24,999	18	7%	2%
\$25,000 to \$34,999	19	7%	12%
\$35,000 to \$49,999	20	7%	10%
\$50,000 to \$74,999	41	15%	15%
\$75,000 to \$99,999	23	9%	14%
\$100,000 to \$149,999	54	20%	22%
\$150,000 or more	60	22%	11%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

OWNER-OCCUPIED HOUSING VALUES

Owner-occupied housing values are extremely high in Chilmark with 81 percent of homes valued at more than \$750,000, of which 51 percent are valued at over \$1,000,000. This compares to only 13 percent of homes Vineyard-wide valued at over \$1,000,000. As was noted in the previous section, the median income of a household in Chilmark \$67,813. Using a standard affordability calculation for homeownership units, the average household would be able to afford a home between \$220,000 to \$280,000 depending upon monthly expenses.²⁴ Currently, it is estimated that only 7 percent of the owner-occupied housing units would be affordable to households earning at or below the median income.²⁵

TABLE 5.5. HOME VALUES IN CHILMARK

Home Value	Chilmark		Island-wide
	Count	Percent	Percent
Less than \$49,999	5	2%	1%
\$50,000 to \$99,999	0	0%	0%
\$100,000 to \$199,999	6	2%	2%
\$200,000 to \$299,999	9	3%	3%
\$300,000 to \$399,999	2	1%	12%
\$400,000 to \$499,999	10	4%	10%
\$500,000 to \$749,999	17	6%	41%
\$750,000 to \$999,999	82	30%	19%
\$1,000,000 or more	138	51%	13%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25057: Value".

For-Sale Market

²⁴ With a 20% down payment, 4% interest rate, 1% homeowner's insurance for an estimated monthly payment of 1,359 or 25% of their monthly income

²⁵ US Bureau of the Census, American Community Survey 2010-14, "B25057: Value".

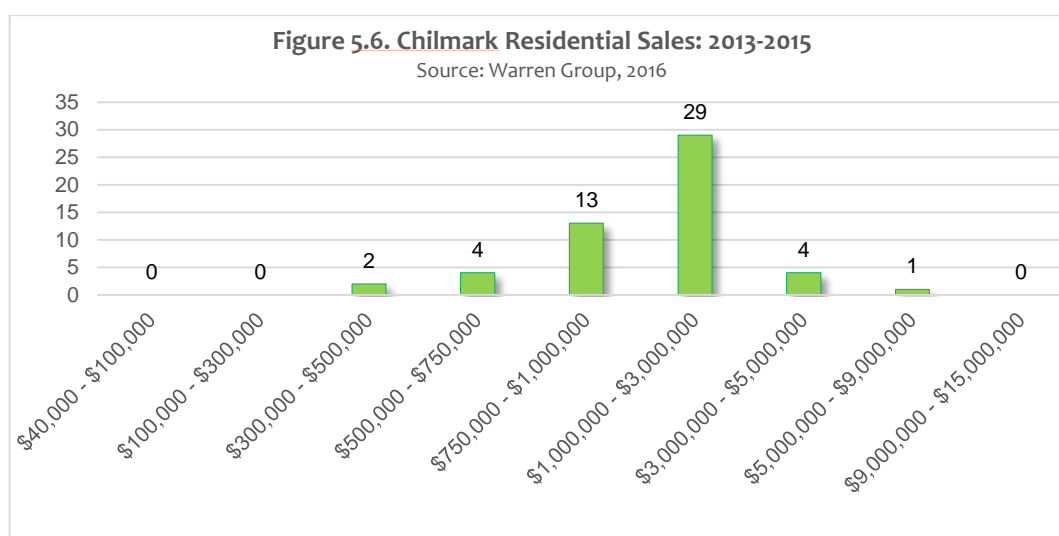
The Warren Group reports that between 2013 and 2015, a total of 160 residential sales occurred in Chilmark, but only fifty-three were deemed “qualified” or “arm’s length”. Of the fifty-three qualified sales, forty-eight were single-family dwellings and five were properties with multiple homes on one parcel.

TABLE 5.6 QUALIFIED RESIDENTIAL SALES BY PROPERTY TYPE, 2013-2015

Use Type	Number of Sales	Median Sale Price
Single-Family	48	\$1,288,750
Multiple Homes on One Parcel	5	\$1,357,000

Source: Warren Group, 2016

Residential sales in Chilmark ranged from \$410,000 to \$5.4 million, with a median sale price for all property types of \$1,320,000. As shown in Figure 5.6, 86 percent of all sales were more than \$750,000, with half of those ranging from one to three million dollars.



Renter-Occupied Housing Characteristics

According to the most recent ACS estimates, there are thirty-eight year-round renter-occupied housing units in Chilmark. Unlike many of the other towns on Martha’s Vineyard, Chilmark has experienced fairly steady rental housing turnover since the 1980s. Across the Vineyard, 90 percent of year-round renter households moved into their current place of residence after 2000, but the same can be said for just 54 percent of the renter households in Chilmark.²⁶

RENTER HOUSEHOLDS BY AGE

Chilmark’s year-round rental housing stock tends to be occupied by householders between the ages of 25 and 54, not dissimilar to that of the Vineyard as a whole. Chilmark has an exceptionally high percentage of the rental housing stock occupied by householders between the ages of 45 and 54 (42 percent) compared to the Vineyard (16 percent). There also appear to

²⁶ US Bureau of the Census, American Community Survey 2010-14, “B25038: Tenure by Year Householder Moved into Unit”.

be fewer seniors over the age of 65 renting in Chilmark. Table 5.7. highlights Chilmark's age of renter householders.

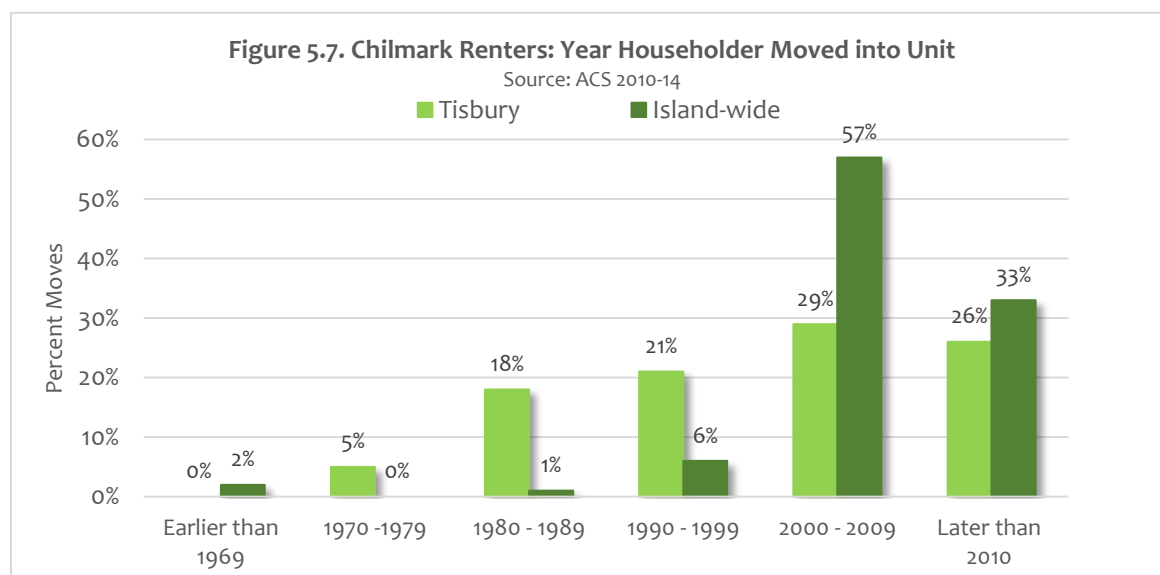
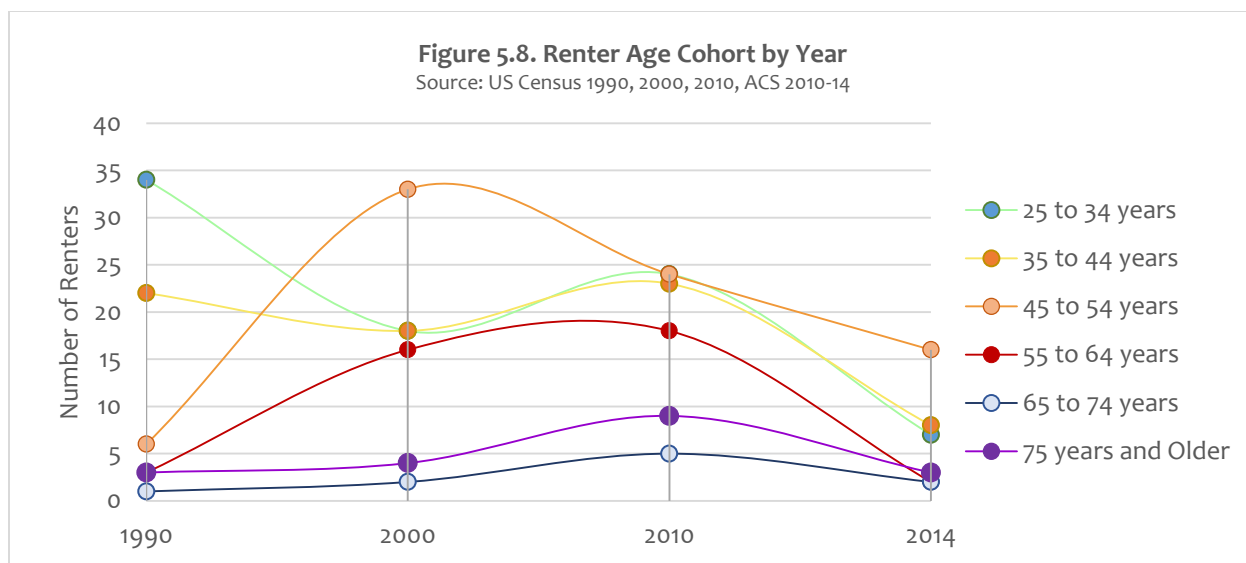


TABLE 5.7. RENTER HOUSEHOLDS BY AGE

	Chilmark		Island-wide
	Count	Percent	Percent
Renter occupied Units	38	12%	22%
Householder 25 to 34 years	7	18%	23%
Householder 35 to 44 years	8	21%	26%
Householder 45 to 54 years	16	42%	16%
Householder 55 to 59 years	2	5%	7%
Householder 60 to 64 years	0	0%	4%
Householder 65 to 74 years	2	5%	6%
Householder 75 to 84 years	2	5%	9%
Householder 85 years and over	1	3%	6%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25007: Tenure by Age of Householder".

Despite being a large percentage of year-round renters, the number of 45- to 54-year-olds has decreased substantially, dropping 106 percent since 2000. In fact, all year-round renters have decreased over the fourteen-year period from ninety-one in 2000 to thirty-eight in 2014. This was equal to a 138 percent decrease in the overall year-round renter population.



RENTER HOUSEHOLDS BY INCOME

Incomes for year-round rental households are spread fairly evenly across the spectrum as illustrated in Table 5.8. A majority of year-round renters have an income between \$25,000 to \$49,999 (34 percent).²⁷

TABLE 5.8. RENTER HOUSEHOLDS BY INCOME

	Chilmark		Island-wide	
	Count	Percent	Percent	
Less than \$5,000	2	5%	3%	
\$5,000 to \$9,999	4	11%	3%	
\$10,000 to \$14,999	1	3%	8%	
\$15,000 to \$19,999	0	0%	5%	
\$20,000 to \$24,999	3	8%	1%	
\$25,000 to \$34,999	5	13%	12%	
\$35,000 to \$49,999	8	21%	19%	
\$50,000 to \$74,999	4	11%	19%	
\$75,000 to \$99,999	4	11%	15%	
\$100,000 to \$149,999	5	13%	13%	
\$150,000 or more	2	5%	2%	

Source: US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

RENTAL HOUSING COSTS

Rent prices in Chilmark are clustered into three price ranges with each containing approximately one-third of the rental housing stock. According to ACS estimate, one third of renter households

²⁷ US Bureau of the Census, American Community Survey 2010-14, "B25118: Tenure by Household Income in the Past 12 Months (in 2014 Inflation-Adjusted Dollars)".

pay between \$500 to \$700 a month, one third between \$1,000 to \$1,500, and the final third paying more than \$1,500 in rent per month.²⁸

TABLE 5.9. RENTER HOUSEHOLDS BY GROSS RENT PER MONTH

	Chilmark		Island-wide
	Count	Percent	Percent
Less than \$250	0	0%	2%
\$250 - \$500	0	0%	6%
\$500 - \$750	10	31%	4%
\$750 - \$1,000	0	0%	11%
\$1,000 – \$1,500	11	34%	28%
\$1,500 or more	11	34%	48%

Source: US Bureau of the Census, American Community Survey 2010-14, "B25063: Gross Rent".

Housing Affordability in Chilmark

HOUSING COST BURDEN

As defined by the U.S. Department of Housing and Urban Development, “housing cost burden” occurs when low- or moderate-income households spend more than 30 percent of their monthly income on housing costs. For homeowners, “housing costs” include the monthly cost of a mortgage payment, property taxes, and insurance. For renters, it means monthly rent plus basic utilities (heat, lights, hot water, and cooking fuel). When housing costs exceed 50 percent of a low- or moderate-income household’s monthly income, the household meets the definition of “severely cost burdened.” Table 5.10 reports the number of households in Chilmark with housing costs that are below 30 percent, between 30 and 50 percent, and over 50 percent of their monthly gross income.

TABLE 5.10. HOUSEHOLD EXPENDITURES ON HOUSING IN CHILMARK

Housing Costs as % Household Income	Homeowners	Renters	Total
Equal to/less than 30% Monthly Income	185	22	207
Between 30 and 50% Monthly Income	34	4	38
More than 50% Monthly Income	69	8	77
Estimates Unavailable	4	0	4
Total	290	35	325

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data

TABLE 5.11. HOUSING COST BURDEN IN CHILMARK: ALL HOUSEHOLDS (OWNERS AND RENTERS)

Household Income Range	Housing Costs > 30%	Housing Costs >50%	Total	Percent w/ Housing Costs >30%
<=30% AMI	15	15	25	60%

²⁸ US Bureau of the Census, American Community Survey 2010-14, "B25063: Gross Rent".

>30% and <=50% AMI	40	20	50	80%
>50% and <=80% AMI	15	15	50	30%
>80% and <=100% AMI	24	20	40	60%
Income >100% AMI	19	4	160	12%
Total	113	74	325	35%

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: moderate-income total adjusted to correct for sampling error.

Table 5.12. shows that 100 percent of year-round homeowners that are extremely low income (ELI) are also severely cost burdened or pay more than half of their income for housing costs. In addition, the table also shows that there are fifty low income (LI) or very low income (VLI) year-rounds homeowners and of these 70 percent or thirty-five households are extremely cost burdened.

TABLE 5.12. HOUSING COST BURDENED HOMEOWNERS IN CHILMARK (YEAR-ROUND HOMEOWNERS)

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	10	10	15	67%
>30% and <=50% AMI	35	20	45	78%
>50% and <=80% AMI	15	15	40	38%
>80% and <=100% AMI	24	20	30	80%
Income >100% AMI	19	4	160	12%
Total	103	69	290	36%

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: moderate-income total adjusted to correct for sampling error.

Table 5.13. shows that 100 percent of extremely low-income renter households are cost burdened and half are extremely cost burdened. The remaining cost burdened population falls within the very low income (VLI) income group where a total of eight year-round renter households are cost burdened and four spend more than half of their income on rent.

TABLE 5.13. HOUSING COST BURDENED RENTERS IN CHILMARK (YEAR-ROUND RENTERS)

Household Income Range	Cost burden > 30%	Cost burden > 50%	Total	Percent Housing Cost Burdened
<=30% AMI	4	4	4	100%
>30% and <=50% AMI	8	4	10	80%
>50% and <=80% AMI	0	0	10	0%
>80% and <=100% AMI	0	0	4	0%
Income >100% AMI	0	0	4	0%
Total	12	8	35	34%

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: moderate-income total adjusted to correct for sampling error.

COST BURDEN BY HOUSEHOLD TYPE

Understanding cost burdening by household types is important because it provides greater clarity as to what types of household configurations are experiencing the most acute burden.

The CHAS data provides a breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

For homeowners in Chilmark, the household configuration that experienced the largest number of cost burdened individuals were small family households of two persons. Of this group, the household income most affected were those of greater than 100 percent AMI. In this category, there were 80 individuals who were cost burdened. Table 5.14 presents the data of housing cost burdening for homeowners.

TABLE 5.14 HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	4	4	0	4	4	15
>30% and <=50% AMI	4	10	0	20	4	45
>50% and <=80% AMI	0	10	4	10	15	40
>80% and <=100% AMI	10	4	0	15	4	30
Income >100% AMI	35	80	4	35	0	160
Total	53	108	8	84	27	290

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

For renters in Chilmark, other household types, had the largest number of cost burdened households (18 households). The income threshold of below 80 percent AMI encompassed all the households that were cost burdened for the cohort. Table 5.15 presents renter cost burden data by household type.

TABLE 5.15 HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	0	0	0	4	4	4
>30% and <=50% AMI	0	4	0	0	4	10
>50% and <=80% AMI	0	0	0	4	10	10
>80% and <=100% AMI	0	0	4	0	0	4
Income >100% AMI	4	0	0	0	0	4
Total	4	4	4	8	18	32

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

SEVERELY COST BURDENED BY HOUSEHOLD TYPE

Severely cost burdened occurs when housing costs are greater than 50 percent of AMI. The number of severely cost burdened households is a subset of the total number of cost burdened

households. Utilizing the CHAS data tables, the number of severely cost burdened households in Chilmark was determined for different household types. The CHAS data provides a breakdown of cost burden for: large family, small family, elderly family, elderly non-family, and all other types.

The total number of homeowners in Chilmark that are severely cost burdened are 62, translating into 21 percent of all cost burdened households. Table 5.16 presents severely cost burdened households by household types. Small family households experience the greatest percentage of severe cost burdening, as all households below 80% AMI are severely cost burdened.

TABLE 5.16 SEVERELY HOUSING COST BURDENED HOMEOWNERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	4	4	0	4	4	16
>30% and <=50% AMI	0	10	0	4	0	14
>50% and <=80% AMI	0	10	0	0	4	14
>80% and <=100% AMI	4	0	0	10	0	14
Income >100% AMI	0	0	0	4	0	4
Total	8	24	0	22	8	62

Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

The total number of renters in Chilmark that are severely cost burdened are 8, translating into 25 percent of all cost burdened households. Table 5.17 presents severely cost burdened households by household types. Elderly non-family and other households are the only households to experience severe cost burdening.

TABLE 5.17 SEVERELY HOUSING COST BURDENED RENTERS BY HOUSEHOLD TYPE

Household Income Range	Household type is elderly family (2 persons, with either or both age 62 or over)	Household type is small family (2 persons, neither person 62 years or over, or 3 or 4 persons)	Household type is large family (5 or more persons)	Household type is elderly non-family	Other household type (non-elderly non-family)	All
<=30% AMI	0	0	0	4	0	4
>30% and <=50% AMI	0	0	0	0	4	4
>50% and <=80% AMI	0	0	0	0	0	0
>80% and <=100% AMI	0	0	0	0	0	0
Income >100% AMI	0	0	0	0	0	0

Total	0	0	0	4	4	8
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Source: HUD, Comprehensive Housing Affordability Strategy (CHAS) Data. Note: Totals may not sum due to statistical error in CHAS data

Affordable Housing Characteristics

For the purposes of this analysis, affordable housing is housing that is restricted to individuals and families with qualifying incomes and asset levels, and receives some manner of assistance to bring down the cost of owning or renting the unit, usually in the form of a government subsidy, or results from zoning relief to a housing developer in exchange for the income-restricted unit(s). Affordable housing can be public or private. Public housing is managed by a public housing authority, established by state law to provide affordable housing for low-income households. Private income-restricted housing is owned and operated by for-profit and non-profit owners who receive subsidies in exchange for renting to low- and moderate-income households.

The Massachusetts Department of Housing and Community Development (DHCD) maintains a Subsidized Housing Inventory (SHI) that lists all affordable housing units that are reserved for households with incomes at or below eighty percent of the area median income (AMI) under long-term legally binding agreements and are subject to affirmative marketing requirements. The SHI also includes group homes, which are residences licensed by or operated by the Department of Mental Health or the Department of Developmental Services for persons with disabilities or mental health issues.

The SHI is the state's official list for tracking a municipality's percentage of affordable housing under M.G.L. Chapter 40B (C.40B). This state law enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if less than 10 percent of year-round housing units in a town consist of income-restricted or subsidized housing for low-moderate income households. It was enacted in 1969 to address the shortage of affordable housing statewide by reducing barriers created by local building permit approval processes, local zoning, and other restrictions.

CHILMARK AFFORDABLE UNITS

As of June 2016, there were three units in Chilmark listed on the SHI.

TABLE 5.18: COMPARISON OF SHI UNITS BY TOWN

	Number of SHI Units	% SHI of Total Units
Aquinnah	41	25.95%
Oak Bluffs	146	6.83%
Tisbury	109	5.55%
Island-Wide	411	5.21%
Edgartown	89	4.54%
W. Tisbury	23	1.84%
Chilmark	3	0.72%

Source: DHCD Subsidized Housing Inventory, 6/22/16

TABLE 5.19: CHILMARK AFFORDABLE UNITS BY TYPE

	SHI	Non-SHI	Total Restricted
Rental	0	6	6
Accessory Apts.	0	0	0
Ownership	0	8	8
Rehab	3	0	3
Rental Assistance	0	4	4
Total	3	18	21

Source: DHCD Subsidized Housing Inventory, 6/22/16 and Martha's Vineyard Commission, 7/25/16

None of the total SHI units in Chilmark were created through comprehensive permits under C.40B.²⁹

The Middle Line Road Community Housing development while not counting on the SHI, offers affordable housing to individuals up to 150% AMI. The development offers six rental units and six for-sale units. This development is an important part of Chilmark's affordable housing stock even if not counted towards the SHI totals. The Town utilized CPA funds towards establishing this development.

Within Chilmark there is municipal and private vacant land that continues to exist. Of the municipally owned vacant lots there are 18 parcels, and of the private vacant lots there are 279 parcels.

Term of Affordability

None of the three units listed on the SHI are restricted as affordable in perpetuity. All the units are ownership units and have affordability restrictions that will expire within three years (prior to 2020). They include the following:

- One Oak Bluffs HOR Program³⁰ unit at Rumpus Road, with an end term of 2017.
- One Oak Bluffs HOR Program unit at South Road, with an end term of 2018.
- One Oak Bluffs HOR Program unit at Flanders Lane, with an end term of 2019.

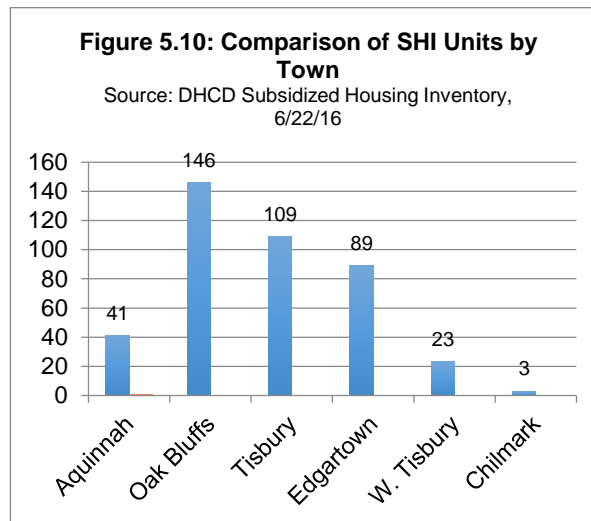
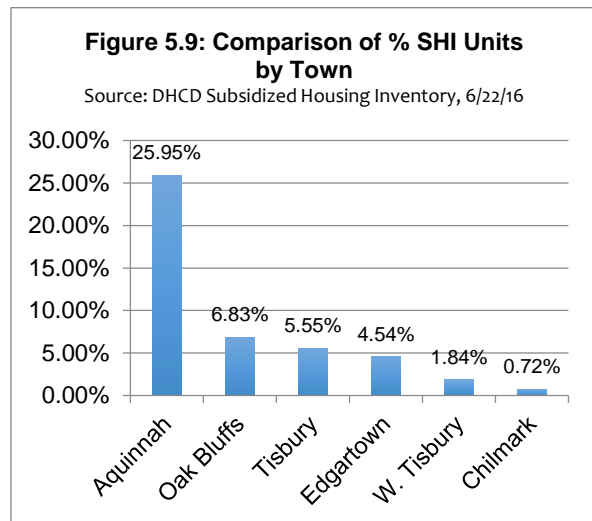
The inclusion of these units is in part because of the Oak Bluff's Community Development Block Grants (CDBG) program. In a partnership, down-island towns were primary grantees and the up-island towns joined their grant proposals. As such, units in Oak Bluffs are counted in Chilmark.

²⁹ Department of Housing and Community Development Subsidized Housing Inventory, 6/22/16

³⁰ Oak Bluffs HOR Program – Oak Bluffs Homeownership Rehab Program

Regional SHI Comparison

Island-wide, Martha's Vineyard has 411 units counted on the SHI. Chilmark's three units are less than one percent of the island's total SHI units. The town with the most affordable units is Oak Bluffs with 146 units – approximately 35.5 percent of the island's total SHI units. Chilmark has the least amount.



AFFORDABILITY MISMATCH OF EXISTING RENTAL HOUSING

Affordability mismatch occurs when there is a disparity between the supply of affordable units available at specific rent thresholds and the number of renter households that fall within specific median income thresholds occupying units. The CHAS data is used for determining the affordability mismatch. The analysis provides an understanding of how many affordable units within the housing supply are available to households that require them. The analysis was conducted for different housing unit types such as zero or one-bedroom, two-bedroom, three-bedroom or more, and all units.

Table 5.20 presents rental housing information for all bedroom types in Chilmark. Within the income threshold of under 30 percent of AMI, there are two people in need of affordable housing for every one unit of affordable housing. While at the below 50 percent of AMI threshold, there are four households in need for every one affordable unit. At incomes of greater than 50 percent AMI but less than 80 percent of AMI, the mismatch is less unbalanced as there are four more households than available units.

TABLE 5.20 AFFORDABILITY MISMATCH, ALL BEDROOM TYPES

	Household Income<= 30% AMI	Household Income<= 50% AMI	Household Income<= 80% AMI
Total Units Affordable and Available	4	4	20
Total Renter Households	8	16	24
Total Shortage/Surplus of Units Affordable to Income Groups	4	12	4
Affordable and Available Units Per 100 Renter Households	50	25	83

CHAPTER 6

DEVELOPMENT CONSTRAINTS & LIMITATIONS

Summary

The focus of this chapter is to detail the Island's development constraints and limitations and includes a description of environmental constraints, infrastructure capacity, and regulatory barriers. Primary development constraints on the Island consist of the following:

- The high price of land in Chilmark creates an almost impossible economic environment for the preservation of farmland. No matter how productive a farm might be, it is doubtful whether its monetary value as agricultural land equals the price the land would bring for residential development.
- Chilmark is home to a wide range of soils suited to various uses, the most notable being the presence of prime or secondary agricultural soils in approximately 50 percent of the town.
- The Tisbury Great Pond System is particularly vulnerable to the effects of nutrient enrichment, especially considering that circulation is mainly through wind driven mixing in the small tributary coves, the long shoreline of the pond and the only periodic flushing with "clean" Atlantic Ocean waters.
- In Chilmark, there are no ideal soils for septic systems. Every soils type has some limitation associated with it, and many areas have more than one limiting factor. Steep slopes, wetlands, excessively drained soils and slow percolating soils all pose problems for the siting of septic systems.

Environmental Constraints

The information presented in this section below is largely based on the Island towns various Open Space & Recreation plans that date from 1997 through 2015, the 2009 Island Plan, USDA 1986 Soil Survey of Dukes County,

LANDSCAPE CHARACTER

Chilmark is a rural town located in the southwestern portion of the island bounded by Aquinnah to the southwest, Vineyard Sound to the north and west, West Tisbury to the east and north, and the Atlantic Ocean to the south. Agriculture and open fields and stone walls abound in Chilmark. The small fishing village of Menemsha is located in Chilmark. Major physical features in the town include Chilmark Pond, Tisbury Great Pond, Menemsha Pond, Squibnocket Pond, and the Tiasquin River.

Farms and farmlands are among Chilmark's most valuable resources. The town owes much of its existing rural character to its history as a farming community and much of its scenic quality to existing farms. As much as 95 percent of Chilmark's land was in agricultural uses in 1850, down to 5 percent today (2002).

The high price of land in Chilmark creates an almost impossible economic environment for the preservation of farmland. No matter how productive a farm might be, it is doubtful whether its monetary value as agricultural land equals the price the land would bring for residential development.

GEOLOGY & TOPOGRAPHY

As described in the 1985 Chilmark Master Plan, most of Chilmark was formed by the intermingling of three terminal moraines and is the most geologically complex section of the Island, which creates obstacles to obtaining adequate water supplies and siting septic systems and development, but also contributes to its physical beauty. The southern and western areas of the town are within an outwash plain deposit. Elevations average 150 feet or less along the moraine and 50 feet or less along the coast and along the outwash plain. The highest elevations on the island (approximately 811 feet) are located in the southwestern portion of the town. Upland areas often contain oak/maple vegetation zones. Coastal areas and outwash plain areas contain oak/pine and dune vegetation zones.

SOILS

The moraine is composed largely of coarse or medium sand and boulders of varying size. In general, soils are sandy and not stratified. The southern and western areas of the town are within an outwash plain deposit. Outwash areas are sandier and stratified. Drainage is generally subsurface, although some streams, brooks, and ponds are present.

Chilmark is home to a wide range of soils suited to various uses, the most notable being the presence of prime or secondary agricultural soils in approximately 50% of the town.

Primary agricultural soils are suitable for intensive farming, can accommodate the widest range of agricultural uses and require the least amount of inputs and intensive management. Secondary soils may be used for a smaller range of crops and uses and generally require more management to maintain productivity. The remaining soils in Chilmark are not suited to agriculture because of steep slopes, stony or rocky soils and/or poor drainage.

In addition, Chilmark's soils are not ideally suited to the placement of septic systems. Fourteen-percent of the town has steep slopes of 15 percent or more and 22 percent of the town is wetland. Twenty-percent of the town contains soils with slow to moderate percolation rates which creates a risk of physical failure by inhibiting the absorption of septic effluent. Finally, 57 percent of soils are sand and gravel which have little or no ability to absorb nutrients, and their rapid percolation rates permit biological contaminants to travel relatively great distances in a short period of time.

GROUNDWATER

Chilmark has an abundant supply of high-quality potable water for its private wells. This is a result of the types and duration of precipitation, temperature and climatic conditions, nature and density of vegetation, ground slope and permeability of soils. Chilmark has no Zone II well protection areas meaning that it does not lie above the Island's main aquifer.

PONDS

Tisbury Great Pond

The Tisbury Great Pond is a 743-acre estuary in the towns of West Tisbury and Chilmark. The Pond's total watershed is estimated to be around 11,102 acres that includes eight sub-watersheds. The System is supported by four small main tributary coves, two small rivers/streams, a wetland influenced salt pond, and the large main basin of Tisbury Great Pond.

The estuary is maintained by the periodic breaching of the barrier beach with a single temporary inlet occasionally receiving tidal waters from Atlantic Ocean. The magnitude of freshwater inflow is much smaller in comparison to the tidal exchange through the inlet. Furthermore, the system is not regularly exposed to tidal flushing as it should be.

The Tisbury Great Pond System is particularly vulnerable to the effects of nutrient enrichment, especially considering that circulation is mainly through wind driven mixing in the small tributary coves, the long shoreline of the pond and the only periodic flushing with “clean” Atlantic Ocean waters.

Menemsha Pond

Menemsha Pond is a 286-acre tidal salt water pond that provides shellfish resources to the town, including clams, quahogs, scallops, and blue crabs. The pond must remain open to boats as the federal government considers the pond a “harbor of refuge”. In 2015, Aquinnah and Chilmark agreed in to allow dredging of the pond to ensure easier pond access to boats. Official expressed concern over the effect of dredging and greater boat access on the fragile and economically important shellfish beds in the pond.³¹ Dredging took place in January 2016.

Squibnocket Pond

Squibnocket Pond is a 603-acre pond which provides a hatchery to white perch and other fin fish as well as eels. The MVC categorized this pond as Compromised. Historically, eelgrass is not known to be in the pond. Nitrogen load is high; transparency is periodically very low. The pond contains oysters and has a substantial herring run. The herring creek that runs between Squibnocket and Menemsha Ponds is an important source of herring and the annual harvest at the herring run by the Wampanoag Tribe is an important social and economic event.

Chilmark Pond

The area of Chilmark Pond varies from 146 to 242 acres. The MVC categorized this pond as Compromised. Historically eelgrass is not known to be in the pond. The pond has a high nitrogen load, very low transparency, and few oysters. The Massachusetts Estuaries Project found that the pond is impaired, but that a 15 percent reduction in controllable nitrogen loading in the pond or a 32 percent reduction in nitrogen in wastewater would solve the problem. It is thought that this objective can be achieved by increasing the number and length of breaches to the pond each year. Also, since the density is low, the use of Innovative Alternative wastewater treatment systems could be enough to lower the nitrogen levels from wastewater to acceptable levels.

³¹ Elvin, Alex. “Officials Brace for Increased Boat Traffic on Menemsha Pond”. *The Vineyard Gazette*. December 9, 2015.

PLANT COMMUNITIES & WETLANDS

Chilmark possesses a wide variety of plant communities which reflect its unique ecoregions as well as the influence of human activity on the land. With the exception of wetlands and dunes, the majority of the Vineyard's land mass was cleared by early settlers of vegetation for pasture, crops, cordwood, and export of specialty plants and timber. It wasn't until farmers abandoned their fields for whaling, and emigration to the mainland during westward expansion of the country, that fields and woodlands returned to their native state. The intensity of human activity on Martha's Vineyard means that there are no remaining virgin stands of trees and all woodlands including slow growing red ample-beetlebung swampland, scrublands or heathlands in Chilmark result from plant and tree recolonization and succession.

Inland permanent and seasonal wetlands, and coastal salt marsh wetlands are all present in Chilmark. In permanent wetlands groundwater is at or near the surface year-round. Seasonal wetlands may dry up during a drought or in the height of summer. The interaction of slow decomposition of plant material with water saturation produces a layer of peaty soil. Chemical and biological action in the saturated soil and uptake of nutrients by the wetland plants can absorb some common pollutants like nitrates, phosphates and organic substances. In addition, wetlands slow run-off during floods allowing water to recharge the aquifer. Salt marsh vegetation produces a tightly-woven and resistant peat which absorbs storm energy protecting land and reducing flooding.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: BioMap2³²

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy's Massachusetts Program developed BioMap2 to protect the state's biodiversity in the context of climate change. BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across Massachusetts. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

Aquinnah and Chilmark encompass a variety of high-quality Estuarine and Maritime communities in on Martha's Vineyard. These diverse habitats support many rare plant species, several rare moth species, and a rare tiger beetle. The beaches and dunes provide important nesting habitat for Piping Plovers and Least Terns, and other areas are used by Northern Harriers and a variety of migrating bird species. The following lie partially or entirely within Chilmark:

³² Commonwealth of Massachusetts: Division of Fisheries and Wildlife. *BioMap2; Conserving the Biodiversity of Massachusetts in a Changing World*. 2012.

Core Habitat

- 6 Exemplary or Priority Natural Community Cores
- 1 Forest Core
- 6 Wetland Cores
- 13 Aquatic Cores
- 12 Species of Conservation Concern Cores: 11 birds, 3 reptiles, 1 fish, 18 insects, 1 sponge, 14 plants

Critical Natural Landscape

- 4 Landscape Blocks
- 6 Wetland Core Buffers
- 9 Aquatic Core Buffers
- 5 Coastal Adaptation Areas
- 18 Tern Foraging Areas

Historic & Cultural Resources

Chilmark is rich in pre-Colonial archaeological sites which have been only slightly explored. Among them are a “cromlech,” or Neolithic stone structure, earthworks, and Christian Indian cemeteries.

Chilmark was the last settled of the three original Martha’s Vineyard towns. Chilmark was originally the possession of Tisbury Manor, established in 1671, and all residents were subject to the lord of the Manor. Chilmark’s first meetinghouse was built in 1701, at Abel’s Hill.

The town’s meetinghouse location was shifted north to central interior in 1786, but 19th century agricultural decline led to eventual abandonment, and the town’s civic center shifted west to Mill Brook Methodist Church.

Extensive sheep raising dominated 18th and early 19th century agricultural settlement, with several local mill sites. Dispersed 18th and 19th century farmsteads survive, primarily along South Road, with agricultural landscapes intact along Middle Road. Early summer estates survive on South Road at Nashaquitsa. Historic and modern summer home development has been most extensive along the south coast, but future growth may threaten surviving interior rural landscape. Menemsha is a small, historic fishing center still in use.

Infrastructure Capacity

As Chilmark has grown, so has its concern about water supplies and sewage disposal. In the past, there were fewer problems with more widely dispersed houses and lower water needs, sewage production and use of toxic products. As development continues, the town seeks to avoid large scale centralized sewage plants and water systems.

DRINKING WATER

Seventy-six parcels in Menemsha are served by a small town water system. The remaining residential parcels are served by private wells. It is estimated that annual average residential withdrawal in Chilmark is 201,000 gallons per day. The nature and variability of Chilmark soils can make locating new wells very difficult. The Chilmark Board of Health issues approximately 20-30 well permits per year, these may include new wells or replacement. The Board of Health strongly discourages sharing of wells and wells drilled for irrigation.

WASTEWATER

The Chilmark Board of Health has the responsibility of ensuring that all on-site subsurface disposal systems are properly sites, designed and constructed. The Board of Health administers Title V, the State’s Environmental Code, which sets minimum standards for septic systems based on “average soil conditions.” The Board may set more stringent standards than Title V where local conditions of soil and topography make it necessary to ensure adequate protection from biological contamination.

In Chilmark there are no ideal soils for septic systems. Every soils type has some limitation associated with it, and many areas have more than one

limiting factor. Steep slopes, wetlands, excessively drained soils and slow percolating soils all pose problems for the siting of septic systems.

SOLID WASTE DISPOSAL³³

Chilmark is a member of the Martha's Vineyard Regional Refuse Disposal and Resource Recovery District, which handles its waste jointly with three other towns. In addition, several private companies are involved in collection, consolidation, and off-Island shipment of waste, independent of any governmental functions. Each town has its own waste transfer station, often at former landfill sites, all of which incorporate deposit of materials for recycling.

The volume of waste the Vineyard disposes of is an energy-intensive and, thus, costly operation. Currently the island ships 33,500 tons of trash off-Island each year, accounting for 15% of the Steamship Authority's freight traffic, or one in seven freight trips. The Vineyard's generation of waste is growing much faster than its year-round population.

TRANSPORTATION

Roadways

Chilmark has three major roads; South Road, Middle Road and North Road. Chilmark does not have a large or congested downtown or port of entry and traffic congestion is minimal though Menemsha is a popular destination and can be crowded during the summer. While traffic volumes have trended upward since 1996 on most Island roads, Up-Island traffic volumes have generally outpaced traffic growth the busier down-island towns.

Public Transit

The Martha's Vineyard Transit Authority (VTA) is the Island's regional transit authority. A fleet of 33 fully accessible vehicles, with seating capacities ranging from 18 to 37 passengers, provide service on 14 fixed routes from mid-May through mid-October. Due to the great success of a two-year pilot program funded by the towns, the VTA is able to provide public transit service to twelve of these established fixed-route corridors throughout the off- season.

The VTA routes cover nearly all island major roads and all parts of the Island including the main public beaches and two park-and-ride lots. Timed transfers at various locations on the Island allow passengers to plan efficient longer trips. Single one-way fares are \$1.25 per town, including town of origin up to \$6.25 for five towns. The cost of bus passes ranges from \$8 for one day to \$120 for an annual pass. Discounted passes are available to year round resident seniors age 65 and up.

The VTA operates paratransit van service, as required by law, giving access to the bus routes to eligible disabled individuals. The service runs within 3/4 mile of each route. In addition to paratransit trips, the VTA provides contract transportation to the Adult Day Care Program and Senior Lunch Programs.

³³ Martha's Vineyard Commission. *Island Plan 2009*. February 2010.

Sidewalks & Shared Use Paths

The much less developed Up-Island towns have few sidewalks. West Tisbury, Chilmark, and Aquinnah do not have Shared Use Paths. Most of the roads in these towns are narrow, winding, and hilly, and suitable mainly for experienced cyclists.

Major gaps in the Up-island SUP network connections are:

- Up-Island towns of West Tisbury, Chilmark, and Aquinnah

Ancient Ways

The Vineyard has a large network of unpaved paths and trails, many times more extensive than the shared-use paths. As with the SUP network, these trails provide walkers and, often, cyclists an important alternative to the roadways. More importantly, the trails greatly expand the network available to non-motorized traffic, connecting neighborhoods to one another and to public lands, or providing “short cuts” to nearby destinations.

Chilmark has one designated Special Ways district along the Kings Highway in the southern part of the town. Many of these trails - commonly referred to by the loose designation “ancient ways” - were the Indian paths and settler roads of yesteryear, connecting villages and running to great ponds and woodlots. More than a dozen such trails contain an historic connection to the Vineyard’s cultural past, with remnants of dozens of old cart paths predating the automobile, and even European settlement of the Island.

Menemsha Harbor

Menemsha has a small harbor with facilities for commercial fishing boats, as well as for recreational boats. The harbor also offers fishing and pleasure boat anchorage, dockage, and mooring, with a permanent opening to Vineyard Sound. Fire in August 2010 destroyed a large section of the dock owned by the Town of Chilmark, as well as a U.S. Coast Guard boathouse, necessitating reconstruction.

SCHOOLS³⁴

The Martha’s Vineyard six public schools and the MV Public Charter School provide education from pre-kindergarten to grade 12, which are generally recognized as being of excellent quality. The school population has been declining for about eight years; the 2015 enrollment of 2,325 students was a little more than three-quarters of its facility capacity of 2,980. The public school system is the largest single Island employer, with about 600 employees.³⁵

Martha’s Vineyard is a school choice district. Children may attend any school of their family’s choice on the Island. They are not restricted to their town school in the lower grades if there is space available in the school of their choice outside of their town. If the number of applicants exceeds the number of spaces available, a lottery is held. Priority is given to siblings of currently enrolled students at the school of choice, and to children of employees at the school.

³⁴ Massachusetts Department of Elementary and Secondary Education. *School and District Profiles*. <http://profiles.doe.mass.edu/>. Accessed 9/8/16.

³⁵ Martha’s Vineyard Commission. *Island Plan 2009*. February 2010.

The town elementary schools serve grades k-8 with the exception of the Chilmark School which only goes to the fifth grade. Chilmark is also the smallest school with an enrollment of 48 students in 2015-16 school year. Aquinnah is the only town without its own elementary school. Oak Bluffs Elementary has the largest enrollment (431 students) and the student body grew by 50 students between 2015 and 2016, the largest increase among the Island's elementary schools. West Tisbury added 31 students, the second largest increase. The Martha's Vineyard Public Charter School also serves k-8 students and had 132 students enrolled in these grades in 2015-16.

Students have two options on the Island for high school, the Martha's Vineyard Regional High School and the Martha's Vineyard Public Charter School. For the 2015-16 school year, the high school had an enrollment of 655 and the charter school 32, for grades 9-12.

Chilmark School

Chilmark School is a K-5 school located in Chilmark. It is one of two schools that makes up the Up-Island Regional School District. Its enrollment is the smallest of all the island schools with forty-eight students enrolled in 2015-16. During the prior school year (2014-2015), the school had a higher enrollment of sixty-two students. Students from Chilmark School enter the West Tisbury School in the sixth grade.

Chilmark School's student body is more white (85.7 percent) than the other Island schools and 25 percent more white than the state. Chilmark School has a higher rate of multi-race, non-Hispanic students (5.4 percent) than the state (3.1 percent). Native American students and Hispanic students both make up 1.8 percent of the school's enrollment.

At the Chilmark School kindergarten and first grade are combined, second and third grades are combined and fourth and fifth grades are combined. The multi-age classroom offers many benefits to the student as well as the school community. The multi-age approach has been an integral piece of the Chilmark School's philosophy since its inception. This environment embraces the differences in learning styles and embodies cooperation and support between learners. Instruction is customized to a student's learning speed, rather than the student being confined to a grade level based set of expectations. Students experience new roles in a multi-age classroom - transitioning from novice to mentor within each two-year cycle. This growth promotes confidence, self-esteem and helps to nurture strong classroom communities.

Since Martha's Vineyard is a school choice district, it is relevant to consider enrollment at the other Island schools, as well as the school in the subject town, as described below.

West Tisbury School

The West Tisbury School is a K-8 school located in West Tisbury. It is one of two schools that makes up the Up-Island Regional School District. Students from Chilmark School enter the West Tisbury School in the sixth grade. West Tisbury School had 329 students enrolled for the 2015-16 school year. This is an increase of thirty-one students over 2014-15.

West Tisbury School's racial composition is 85 percent white, a 23 percent increase over the state. The school has a lower rate of African American (3 percent) and Hispanic (4.4 percent) students when compared to the state but a higher rate of both Native American (2.3 percent) and multi-race, non-Hispanic (4.7 percent) students than the state.

Oak Bluffs Elementary

Oak Bluffs Elementary is a k-8 school which had a student enrollment of 431 for the 2015-16 school year. Enrollment at the Oak Bluffs' school increased by close to fifty students since the 2014-15 school year. Oak Bluffs Elementary has a smaller white student population (66.8 percent) than other Island schools and a higher percentage of Hispanic students than other schools (17.4 percent) which is close to the state proportion of Hispanic students.

Tisbury Elementary

Tisbury Elementary is a k-8 school with an enrollment of 325 students for the 2016-17 school year. Enrollment at the school has remained relatively static since 2012, with a net loss of just six students over that time. Twenty-three percent of students at Tisbury Elementary are Hispanic, 6 percent are multi-race, non-Hispanic and 3 percent are Native American. These are all higher than the state proportions in the same categories. The school has a smaller proportion of white students (64.7 percent) than other schools but is close to the state percentage (63.3 percent).

Edgartown School

The Edgartown School is a k-8 school that had 345 students enrolled in the 2015-16 school year. A new facility was built in 2003 to accommodate additional capacity of 550 students. There was a net increase of ten students between 2012 and 2016. Thirteen percent of students at the school are Hispanic, 5 percent are multi-race, non-Hispanic and 3 percent are Native American. The school has a higher proportion of white students (76.4 percent) than the state (63.3 percent).

Martha's Vineyard Regional High School (MVRHS)

MVRHS is the only high school on the Island and one of two schools that teaches grades 9-12. The Martha's Vineyard Regional High School has a 91 percent graduation rate, 6 percent higher than the state average, and a dropout rate of just 1 percent. The school has received the prestigious National Blue Ribbon School Award from the US Department of Education twice. The award recognizes schools "based on their overall academic excellence and their progress in closing achievement gaps among student sub-groups."³⁶

MVRHS enrolled 655 students in the 2015-2016 school year. This number represents a decrease in enrollment by 32 students over the previous year. The racial composition of the school more closely reflects the Island-wide population. As a regional school, racial distinctions within the town schools are less pronounced. However, multi-race, non-Hispanic students still make up a greater proportion in the school than they do at the state level. The MVRHS student body is almost 80 percent white and 2.4 percent Native American, and both of these are higher than the state proportions. Hispanic students make up 10 percent of the student body and African Americans, 2.4 percent, both lower than state proportions.

Compared with the state, a smaller proportion of students at MVRHS are Economically Disadvantaged or have Limited English Proficiency, 16.9 percent and 2.8 percent respectively. However, 19.2 percent of MVRHS students receive Special Education compared to 16.9 percent at the state level.

³⁶ US Department of Education: National Blue Ribbon Schools Program. <http://www2.ed.gov/programs/nclbbrs/index.html>. Accessed 9/8/16.

Martha's Vineyard Public Charter School (MVPCS)

The idea for the creation of an alternative school on the Island was developed in 1993 by a group of Vineyard parents, teachers and community members. In 1995, the Martha's Vineyard Public Charter School was authorized by the state, and in 1996 the school opened its doors to students. The school is now a k-12 school with a total enrollment of 178 students. The school's enrollment has remained relatively steady since 2012 with a net loss of four students between 2012-2016. Students are chosen by lottery. MVPCS has a higher percentage of African American students (7.1 percent) than other Island schools which also approaches the state-wide proportion (8.6 percent). Almost 78 percent of students are white, higher than the state and 6.6 percent are multi-race, non-Hispanic, also higher than the state's proportions.

Regulatory Barriers

Chilmark's zoning bylaws (bylaws) provide strong protections to preserve natural resources and scenic beauty, it includes provisions to encourage more diversity of housing by allowing conversions to two-family dwellings as well as creation of affordable housing³⁷ including affordable accessory apartments, affordable rental housing, and provisions for affordable three-family dwellings. The bylaws also have provisions for "youth lots" and "homesite housing" for residents of Chilmark.

Local homesite and youth lot policies present Fair Housing considerations in that restricting these house lots to local residents and/or by age and residency may otherwise make them unavailable to protected classes. This type of policy can have a disparate impact (a policy that appears neutral can disadvantage protected classes and perpetuate segregation).³⁸ In addition, the definition of "family" presents Fair Housing considerations, as described below in greater detail.

OVERVIEW OF ZONING BYLAWS FOR RESIDENTIAL USES

Residential Uses Permitted

The bylaws create seven residential districts, "Agricultural-Residential District" I, II-A, II-B, III, IV, V, and VI. These districts permit detached single-family dwelling and accessory dwelling with minimum lot area of three acres by right and conversion of a single-family to two-family dwelling by special permit. The lot area minimums vary from 1.5 acres in the IV district to 2 acres in the V district and 3 acres in all the other residential districts.

Agricultural-Residential District	Single-family dwelling minimum lot size
I	3 acres

³⁷ The Chilmark Zoning Bylaw uses the term "affordable housing" as defined by the guidelines of the Chilmark Housing Committee. However, these definitions may be amended and replaced by an amended definitions section in the zoning bylaw to reflect to the universal definitions proposed by the Martha's Vineyard Commission in 2016 so that the term affordable housing would refer to housing affordable to households with up to 80 percent AMI and community housing would refer to housing for households with income between 81 and 150 percent AMI.

³⁸ The Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven protected classes: race, color, religion, national origin, sex, disability, and familial status. Additionally, in Massachusetts, the Massachusetts Anti-Discrimination Act (MGL c.151B s.1) includes the following protected classes: race, religious creed, color, national origin, sex, gender identity, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age, genetic information, ancestry, or marital status of such person or persons or because such person is a veteran or member of the armed forces, or because such person is blind, or hearing impaired or has any other handicap.

II-A	3 acres
II-B	3 acres
III	3 acres
IV	1.5 acres
V	2 acres
VI	3 acres

The bylaws per Section 6.4 allow an exception to the minimum lot size to help “young people who have grown up in Chilmark and lived here for a substantial portion of their lives and who, because of rising land prices, have

been unable to obtain suitable land for their permanent home at a reasonable price, and who desire to continue to live in Chilmark.” For such young people (age twenty-nine years and below) who have lived in Chilmark for eight consecutive years, the Board of Appeals may grant a special permit for a single-family dwelling on a lot with less area than the minimum otherwise required. The applicant shall not sell or lease the lot for a period of ten years (except for summer occupancy).

The bylaws also allow an exception by Special Permit from the Planning Board to the minimum lot size and setback limitations under Section 6.7 to protecting agricultural lands or woodlands or other natural resources. However, the area of open space must equal or exceed the minimum lot area that would otherwise be required for each house lot.

The bylaws also include a “Homesite Housing” provision per Section 6.9 that allows exceptions to the minimum lot size requirements through special permit from the Zoning Board of Appeals for construction of housing for persons who “live or work in Chilmark and whose total households adjusted gross income is not more than 150 percent of the median income of Dukes County.” The provisions require a long-term affordability deed restriction or a Martha’s Vineyard Housing needs covenant complying with St. 2004, .445 “An Act Authorizing Martha’s Vineyard Affordable Housing Covenants.”

The bylaws limit the term of rental housing, but make an exception to allow rental units that are dedicated for affordable housing in perpetuity per Section 6.10. The bylaws define affordable housing, in this case, as affordable to tenants who qualify under the guidelines for affordable rental housing established by the Chilmark Housing Committee and approved by the Board of Selectmen or “. . . in the absence of such guidelines then by the guidelines established by the Dukes County Regional Housing Authority.” The Bylaw allows rental structures of up to three-family dwellings with no more than nine bedrooms.

The bylaws per Section 6.12 allow affordable year-round accessory apartments of up to 800 square feet³⁹ by special permit that is either rented as affordable housing or to immediate family members or caregivers. This provision is only allowed for property owners who are year-round residents of Chilmark and the unit must be rented on a “year-round basis to persons eligible to rent affordable housing in Chilmark following basic income certification by the Dukes County Regional Housing Authority.”

Definition of Family

The bylaws provide the below definition for “family,” which presents Fair Housing considerations. Policies that require relations by blood/marriage and/or have a limit of unrelated adults in a household may be considered discriminatory if they have an adverse impact on a

³⁹ Or up to 400 square feet if a Guest House would not be permissible on the lot.

protected class including people with disabilities. For example, limiting the number of unrelated persons in a dwelling can impact group home uses, foster families, or other alternative household composition. The following is excerpted from the definition in the Chilmark zoning bylaws Section 2.17:

One or more persons related by blood, adoption or marriage, living and cooking together as a single, non-profit housekeeping unit, provided that no more than six persons unrelated by blood, adoption or marriage so living together shall be deemed a family.

Development Rate/Building Permit Limitation

Article 7 of the bylaws establish a rate of development for construction of dwellings on lots held in common ownership and a building permit cap of no more than eighteen permits per year for new residential construction, with an exception for up to two youth lots. The bylaws exempt affordable rental housing from the rate of development and building cap regulations.

Overlay Districts

In addition to the rate of development and building permit cap (described above), the following overlay districts also impact residential development in Chilmark:

- Chilmark Coastal District – Shore Zone is located from mean low water to one hundred feet inland of the inland edge of beach or marsh grass, etc. Prohibits new residential construction. Inland Zone permits single-family dwellings but limits height.
- Streams and Wetlands Draining into Coastal Ponds – Located within one hundred feet of streams, wetlands, etc. Prohibits new residential construction.
- Roadside (Island Roads) District – Limits height and siting of new dwellings.
- Special Places District – Requires special permit for any use permitted in the underlying district and requires site review.
- Meetinghouse Road and Tiasquam River District – Requires special permit and site review.
- Squibnocket Pond District – Zone D of this district permits single-family dwellings.
- Wild and Scenic North Shore Overlay District – No new residential structures are permitted.
- Menemsha, Nashaquitsa, and Stonewall Ponds Overlay District – No residential structures are permitted.

These districts primarily apply to land in the south and southwestern portions of Chilmark including the Menemsha area and Atlantic Ocean coast, which the exception of the Island Roads District and the North Shore Overlay District.

2014 MVC ZONING ANALYSIS

Per the findings from the 2014 MVC Zoning Analysis, the Chilmark zoning bylaws include an automatic exemption for affordable housing from the rate of development limitations and building permit cap and from the rental term limitations. Chilmark also includes affordable housing in its definitions and purpose sections of the bylaws and provisions for affordable accessory apartments.

To help implement the recommendation of this zoning analysis, the MVC is proposing that each town adopt uniform definitions in its zoning bylaws including the following key terms: affordable housing (up to 80 percent AMI) and community housing (81 to 150 percent AMI).

CHAPTER 7

IMPLEMENTATION CAPACITY & RESOURCES

Island-wide Organizations

The major housing providers on the Island offer substantial and growing capacity to address Island housing needs. These organizations and their niches are summarized below:

Dukes County Regional Housing Authority (DCRHA)⁴⁰: DCRHA is unusual in that it provides services Island-wide as opposed to just one specific municipality. Also, unlike most housing authorities, which rely on state and federal housing funds, DCRHA has financed its projects locally, and through other types of subsidies.

- The Housing Authority manages 77 year-round Rental Apartments across the island which serve over 170 island residents who make less than 80% of the area median income.
- In addition, the Housing Authority administers town-funded Rental Assistance for 70 households in market rentals, monitors over 45 apartments permitted through the West Tisbury Accessory Apartment By-law and maintains an Island-wide rental wait list. The Housing Authority partners with other organizations that aid with rent, utility and apartment rehabilitation costs to Island tenants and landlords.
- The Housing Authority maintains a database of those households interested in affordable home buying opportunities offered on Martha's Vineyard by towns, organizations or developers. Completion of the Homebuyer Clearinghouse Form allows the Housing Authority to contact households directly when specific opportunities become available.
- The Housing Authority further assists towns and developers by administering lotteries of homes and homesites, providing homebuyer education training to lottery participants and providing affordability monitoring services for deed restricted properties.
- The Housing Authority participates in advocacy and planning efforts in partnership with the Martha's Vineyard Commission, the County of Dukes County, the MA Department of Housing and Community Development, other agencies and non-profits as well as private individuals and groups at work on the Island's housing issues.

Island Elderly Housing (IEH)⁴¹: IEH focuses on senior rental housing and younger disabled individuals. With the availability of developable IEH property, the organization has expressed renewed interest in developing additional units for seniors.

- IEH provides 165 apartments for the low-income elderly and the disabled of the Vineyard. IEH has four campuses: Hillside Village and Love House in Vineyard Haven and Woodside Village and Aidylberg Village in Oak Bluffs. Woodside Village has 95 apartments, Hillside Village (55), Aidylberg Village (10) and Love House (5).

⁴⁰ Dukes County Regional Housing Authority. <https://housingauthoritymarthasvineyard.org/>. Accessed 8/27/16.

⁴¹ Island Elderly Housing. <http://www.iehmv.org/about-us/>. Accessed 8/27/16.

- IEH receives funding from the Department of Housing and Urban Development (HUD) and the Department of Agriculture Rural Development (USDA). This funding is for housing only. The supportive services offered, such as transportation and community meals, depend on private donations.

Island Housing Trust (IHT):⁴² IHT was established as a Community Land Trust for the stewardship of land and the development of permanently affordable rental and ownership housing by holding long-term ground leases. Their model lowers the initial cost of homeownership by eliminating the land cost and a portion of the construction costs through grants and donations. IHT is also certified as a Community Development Corporation (CDC)⁴³ which provides the organization with a wider network of housing providers.

- Over the past nine years IHT has sold or rented over 70 homes and apartments to low and moderate-income families throughout Martha's Vineyard. The organization's goal is to double the annual rate of safe, stable year-round affordable homes available to island families from 70 to 180 by 2020, by working in partnership with island towns, other housing organizations, and individuals.
- IHT's designation as a CDC will allow it to move more aggressively into rental housing development if given the appropriate support.
- IHT created eleven affordable units in 2014, seven in 2015 and is expecting to create twenty-two in 2016-2017.

IHT's has partnered multiple times with the Martha's Vineyard Land Bank, including projects at Eliakims Way in West Tisbury, Takemmy Path in Tisbury, Kuehn's Way in Tisbury, and Beach Road Way in Aquinnah, to create conservation based affordable housing initiatives, and the DCRHA (Sepiessa and Halcyon Way in West Tisbury) and Town of West Tisbury (565 Edgartown Road & Bailey Park), Town of Tisbury (325 Lamberts Cove Rd, 129 Lake Street), Town of Aquinnah (Church Street, 20 State Road, 45 State Road), Town of Edgartown (22nd St), and the Town of Oak Bluffs (27 Sunset Ave) to create or preserve ownership and/or rental housing.

In addition, the IHT has collaborated with private developers (Fisher Road, West Tisbury, North Summer Street, Edgartown) who have built and sold homes and transferred the land to the IHT to ground lease with restrictions to the homeowners.

IHT has secured funding from the FHLB Boston Affordable Housing Program (AHP) through member banks such as the Edgartown National Bank for rental and ownership projects as well as Low Income Housing Tax Credits (LIHTC), and competitive state grant funding programs for rental projects. IHT has secured and invested \$4.9 million in CPA funding in ownership (29 units) and rental (15 units) projects over the past eleven years. In addition, IHT has secured and invested approximately \$5.8 million in private donations in ownership (36 units) and rental (15 rentals) over the past 11 years.

⁴² Island Housing Trust. <http://www.ihtmv.org/about/>. Accessed 8/27/16.

⁴³ Community development corporations (CDCs) are non-profit, community-based organizations that anchor capital locally through the development of residential and/or commercial property, ranging from affordable housing to shopping centers and businesses. While often neighborhood-based, CDCs can extend far beyond the bounds of a single community to cover an entire city, county, multi-county region or state.

Habitat for Humanity of Martha's Vineyard: Habitat Martha's Vineyard's mission is to build simple, decent homeownership housing for families in the lowest qualifying income ranges. While the volume of development is very low, with only one or two units completed per year, each build is a community-building initiative that brings awareness and a spirit of good will to the issue of affordable housing.

The Resource, Inc. for Community and Economic Development (TRI): TRI is a non-profit, community development corporation founded in response to a consortium of town and private sector representatives who wished to more actively and innovatively impact housing and economic development in Southeastern Massachusetts, Cape Cod and the Islands. TRI has two offices, one of which is in Vineyard Haven.

Since its incorporation in 1994, TRI has secured funding for and successfully managed federal, state and local housing rehab and development projects for 15 Massachusetts communities. TRI's research, design and implementation efforts have resulted in the award of more than \$20 million in housing rehabilitation funds for the completion of 500+ rehabilitation, repairs and renovations for eligible homeowners and community development initiatives. Most of TRI's housing rehab experience has been in the successful completion of MA CDBG Small Cities Housing Rehab program management and delivery in communities located in Southeastern Massachusetts.

The Martha's Vineyard Land Bank Commission⁴⁴: The Land Bank's principal mission is to protect land for conservation across the Island and since its inception in 1986, the Land Bank has preserved 3,100 acres for conservation. However, the Land Bank recognizes the Island's affordable housing need and has set forth policies to address the dual interests of preserving land and creating affordable housing. The Land Bank may cooperatively purchase land with a town or housing entity for preserving land and creating affordable housing. In addition, the following Land Bank policies support the development of housing:

- To encourage density in the Island's village centers, the Land Bank has made preserving land within village centers a secondary priority.
- The Land Bank requires that any land or building it acquires that may be used for affordable housing must have perpetual affordability attached, and the housing must be entirely affordable with no market rate units allowed.
- The Land Bank performs analysis prior to every land purchase to determine if the land could support affordable housing along its fringe and recommends that the seller sell that portion of the property to the Dukes County Regional Housing Authority or another suitable entity to be used for affordable housing.
- The Land Bank will allow the siting of septic and wells on its properties for the development of affordable housing when that development minimally impacts the integrity of the land.
- If buildings are present on a Land Bank acquisition, the organization may subdivide the property so the buildings can be used for affordable housing and managed by a housing entity, it may offer the buildings to be moved by a housing entity at no cost, and lastly, if the buildings will not serve the Land Bank or a housing entity, the Land Bank will offer the fixtures and components to a housing entity for removal and re-use.

⁴⁴ Martha's Vineyard Land Bank Commission. *Affordable Housing Policy*. October 27, 2009.

Collaboration

Many of these organizations, true to their own mission and capacity, have found it useful to collaborate, leading to a spirit of mutual support rather than competition. In addition, Habitat for Humanity, the Island Housing Trust and the Housing Authority are all located in the Vineyard Housing Office in Vineyard haven. Examples of collaboration include:

- IHT has partnered with Habitat for Humanity on six houses, executing ground leases for 60 Andrews Road (Tisbury), 148-A Edgartown-Vineyard Haven Road (Oak Bluffs), 21 11th Street (Edgartown), and 45, 49 and 50 Bailey Park (West Tisbury).
- DCRHA has organized home buyer trainings and has qualified IHT's homebuyers.
- DCRHA serves as property manager for a rental property built and owned by IHT at Halcyon Way (West Tisbury), and will continue to enter into management contracts with IHT on their rental developments.
- DCRHA manages properties developed by other entities including the towns of Oak Bluffs and Chilmark and TRI.

Partnerships

In addition to the Island housing development and management entities described here, there are occasions when these organizations will require the increased capacity and experience of off-Island developers to undertake larger-scale projects. This is particularly true when multiple layers of financing are required in larger development projects.

The Community Builders (TCB): TCB is an example of an off-Island developer that partnered with the town of Edgartown in the development of housing at Pennywise Path, now called Morgan Woods. TCB is a nationally-recognized organization with offices in the Boston, the mid-Atlantic and mid-west. The organization continues to own and manage the Morgan Woods project.

Community Preservation Act Funds

Chilmark adopted the Community Preservation Act (CPA) per MGL s.44B to collect revenues through a local property tax surcharge and variable annual state Community Preservation Trust Fund distribution. The state distribution, which was 100 percent between FY2003 and FY2009, declined to a lot of 43.36 percent in FY2017. CPA funds must be spent or set aside for future spending to preserve open space and historic resources, create and preserve affordable housing, and to develop or improve outdoor recreational facilities.

Chilmark adopted CPA in 2001 with the maximum local property tax surcharge of three percent. In addition, Chilmark adopted an exemption on the first \$100,000 of residential property value.

Chilmark has raised \$4,440,072 of CPA revenue since adoption through FY2017 (including the local property tax surcharge through FY2016 and the state Community Preservation Trust Fund distributions through FY2017). The CPA statute requires that at least 10 percent of total revenue be spent or set aside for future spending for creation, preservation, or support of community housing (defined as housing affordable to households at or below the area median income). Chilmark has appropriated over \$2,233,000 of CPA funds since inception for housing, which is over 50 percent of total CPA revenue.

Some of the housing initiatives that have been funded by the Chilmark CPA fund include the following:

- Support for the Rental Assistance Program through DCRHA (eight appropriations since 2002) for eligible households renting in Chilmark
- Middle Line Road community housing program on town-owned property, which produced six rental units for households with income up to 100 percent AMI and six one-acre lots for construction of single-family houses for households up to 150 percent of the area median income. The CPA funds supported land acquisition (Jaksa and Emin properties), utilities and road improvements, installation of ten wells, and support for rental duplex construction
- Supporting the Molly Flender Housing Trust
- Creation of six affordable rental units at Village Court in Tisbury (Island Housing Trust project)
- Funding for creation of affordable housing units at Kuehn's way in Tisbury (Island Housing Trust project) – project in litigation

Chilmark Housing Committee

The Chilmark Housing Committee is a nine-member town committee with a mission as follows:

- Develop and oversee affordable housing programs and opportunities.
- Develop and oversee an affordable, rental clearinghouse.
- Act as liaison between the Town and the Regional Housing Authority.
- Recommend to the Selectmen and Planning Board bylaw and regulatory changes necessary to implement affordable housing programs.
- Establish standards of eligibility for affordable housing in Chilmark.
- Recommend to the Community Preservation Fund Committee the use of funds raised from the Community Preservation Act.
- Perform such other duties as the Selectmen and/or Planning Board may determine in response to the need for affordable housing in Chilmark.

Molly Flender Affordable Housing Trust

The Molly Flender Affordable Housing Trust, per MGL c.44 s.55C, was created by Chilmark Town Meeting in 2010 to receive funds and land donations to benefit affordable housing efforts in Chilmark and named in honor of Molly Griswold Flender, an elementary school teacher and Chilmark resident who was a dedicated advocate for affordable housing. She was instrumental in creating affordable housing in Chilmark including the Middle Line Road development and served as chair of the Chilmark Housing Committee.

The Trust is designed to be able to respond quickly when affordable housing opportunities arise. CPA funds have been the primary source of revenue for the trust. The trust may also receive surplus rental revenue from the six rental apartments at Middle Line Road - the rental income

generated will first cover the costs of operation and maintenance of the units and pay off debt incurred by the Town to build the units.⁴⁵

The Trust funds have supported the creation of the home-site lots created at Nab's Corner where the town created four affordable lots through a complex land swap with the Hillman family, the Martha's Vineyard Land Bank and the town. The fund balance has ranged from \$40,000 to \$166,437, which was the FY2016 Year End fund balance.

⁴⁵ Source: 2013 Chilmark Housing Committee Annual Report.

APPENDIX A

DHCD AFFIRMATIVE FAIR HOUSING MARKETING GUIDELINES

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the SHI shall have an Affirmative Fair Housing Marketing Plan. To that end, DHCD has prepared and published comprehensive guidelines that all agencies follow in resident selection for affordable housing units.

In particular, the local preference allowable categories are specified:

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

These were revised on June 25, 2008, removing the formerly listed allowable preference category, "Family of Current Residents."

The full guidelines can be found here: <http://www.mass.gov/hed/docs/dhcd/hd/fair/afhmp.pdf>.

APPENDIX B

INTERAGENCY BEDROOM MIX POLICY

INTERAGENCY AGREEMENT

Regarding Housing Opportunities for Families with Children

This Interagency Agreement (this "Agreement") is entered into as of the 17th day of January, 2014 by and between the Commonwealth of Massachusetts, acting by and through its Department of Housing and Community Development ("DHCD"), the Massachusetts Housing Partnership Fund Board ("MHP"), the Massachusetts Housing Finance Agency (in its own right and in its capacity as Project Administrator designated by DHCD under the Guidelines for Housing Programs in Which Funding is Provided By Other Than a State Agency, "MassHousing"), the Massachusetts Development Finance Agency ("MassDevelopment") and the Community Economic Development Assistance Corporation ("CEDAC"). DHCD, MHP, MassHousing, MassDevelopment and CEDAC are each referred to herein as a "State Housing Agency" and collectively as the "State Housing Agencies".

Background

A. DHCD's 2013 Analysis of Impediments to Fair Housing Choice ("AI") includes action steps to improve housing opportunities for families, including families with children, the latter being a protected class pursuant to fair housing laws, including the federal Fair Housing Act, as amended (42 U.S.C. §§ 3601 *et seq.*) and Massachusetts General Laws Chapter 151B. In order to respond to development patterns in the Commonwealth that disparately impact and limit housing options for families with children, such steps include requiring a diversity of bedroom sizes in Affordable Production Developments that are not age-restricted and that are funded, assisted or approved by the State Housing Agencies to ensure that families with children are adequately served.

B. The State Housing Agencies have agreed to conduct their activities in accordance with the action steps set forth in the AI.

C. This Agreement sets forth certain agreements and commitments among the State Housing Agencies with respect to this effort.

Definitions

1) "Affordable" - For the purposes of this Agreement, the term "Affordable" shall mean that the development will have units that meet the eligibility requirements for inclusion on the Subsidized Housing Inventory ("SHI").

2) "Production Development" - For purposes of this Agreement "Production Development" is defined as new construction or adaptive reuse of a non-residential building and shall include rehabilitation projects if the property has been vacant for two (2) or more years or if the property has been condemned or made uninhabitable by fire or other casualty.



Agreements

NOW, THEREFORE, DHCD, MHP, MassHousing, MassDevelopment and CEDAC agree as follows:

Bedroom Mix Policy

1) Consistent with the AI, it is the intention of the State Housing Agencies that at least ten percent (10%) of the units in Affordable Production Developments funded, assisted or approved by a State Housing Agency shall have three (3) or more bedrooms except as provided herein. To the extent practicable, the three bedroom or larger units shall be distributed proportionately among affordable and market rate units.

2) The Bedroom Mix Policy shall be applied by the State Housing Agency that imposes the affordability restriction that complies with the requirements of the SHI.

3) The Bedroom Mix Policy shall not apply to Affordable Production Developments for age-restricted housing, assisted living, supportive housing for individuals, single room occupancy or other developments in which the policy is not appropriate for the intended residents. In addition, the Bedroom Mix Policy shall not apply to a Production Development where such units:

- (i) are in a location where there is insufficient market demand for such units, as determined in the reasonable discretion of the applicable State Housing Agency; or
- (ii) will render a development infeasible, as determined in the reasonable discretion of the applicable State Housing Agency.

4) Additionally, a State Housing Agency shall have the discretion to waive this policy (a) for small projects that have less than ten (10) units and (b) in limited instances when, in the applicable State Housing Agency's judgment, specific factors applicable to a project and considered in view of the regional need for family housing, make a waiver reasonable.

5) The Bedroom Mix Policy shall be applicable to all Production Developments provided a Subsidy as defined under 760 CMR 56.02 or otherwise subsidized, financed and/or overseen by a State Housing Agency under the M.G.L. Chapter 40B comprehensive permit rules for which a Chapter 40B Project Eligibility letter is issued on or after March 1, 2014. The policy shall be applicable to all other Affordable Production Developments funded, assisted, or approved by a State Housing Agency on or after May 1, 2014.



APPENDIX C

COMPREHENSIVE PERMIT DENIAL & APPEAL PROCEDURES

(a) If a Board considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the Statutory Minima defined at 760 CMR 56.03(3)(b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures. Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation. If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position. The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

(b) For purposes of this subsection 760 CMR 56.03(8), the total number of SHI Eligible Housing units in a municipality as of the date of a Project's application shall be deemed to include those in any prior Project for which a Comprehensive Permit had been issued by the Board or by the Committee, and which was at the time of the application for the second Project subject to legal appeal by a party other than the Board, subject however to the time limit for counting such units set forth at 760 CMR 56.03(2)(c).

(c) If either the Board or the Applicant wishes to appeal a decision issued by the Department pursuant to 760 CMR 56.03(8)(a), including one resulting from failure of the Department to issue a timely decision, that party shall file an interlocutory appeal with the Committee on an expedited basis, pursuant to 760 CMR 56.05(9)(c) and 56.06(7)(e)(11), within 20 days of its receipt of the decision, with a copy to the other party and to the Department. The Board's hearing of the Project shall thereupon be stayed until the conclusion of the appeal, at which time the Board's hearing shall proceed in accordance with 760 CMR 56.05. Any appeal to the courts of the Committee's ruling shall not be taken until after the Board has completed its hearing and the Committee has rendered a decision on any subsequent appeal.

Source: DHCD Comprehensive Permit Regulations, 760 CMR 56.03(8).

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