



City of Methuen, Massachusetts

70-16-18

OFFICE OF THE MAYOR

The Searles Building, 41 Pleasant Street, Suite 306
Methuen, Massachusetts 01844
Telephone: 978-983-8505 Fax: 978-983-8973
E-mail: snzanni@ci.methuen.ma.us

Stephen N. Zanni
Mayor

ORDINANCE #916

Ordinance Amending the Comprehensive Zoning Ordinance of the City of Methuen- Howe Street – RR to MA

2017 MAR 23 AM 11:10

RECEIVED
CITY CLERK'S OFFICE
METHUEN, MA

BE IT ORDAINED, by the City Council of the City of Methuen, that pursuant to the authority conferred by Chapter 40A, Section 5 of the Massachusetts General Laws, and for the purpose of promoting the health, safety and the general welfare of the inhabitants of the City of Methuen, the City council hereby approves the following amendment to the Zoning Ordinance of the City of Methuen:

WHEREAS, the Petitioner is requesting to change/rezone that area of land located off Washington Street and Howe Street, Methuen, and as more particularly described within the attached Petition submitted, from its present designation as a rural residential (RR) District to a Multi-family residence (MA) District; and

WHEREAS, said land is designated on a plan of land entitled, Proposed Rezoning Map prepared for Toll Brothers Inc., in Methuen, MA by ESE Land Planning, Engineering, Land Surveying, Scale 1"=150', dated November 18, 2016, and incorporated by reference herein as "Exhibit A". Said Parcel contains 119.58 acres of land, more or less.

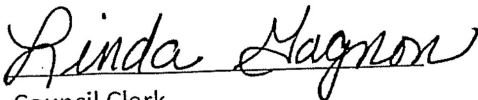
NOW THEREFORE the City Council of the City of Methuen hereby amends the Comprehensive Zoning Ordinance of the City of Methuen to change/rezone that area of land located off of Howe Street, Methuen, and as more particularly described in the attached petition and map submitted affecting parcels: Map 906-76-1C 487 Howe Street (a portion of); Map 906-76-1D 485 Howe Street (a portion of); Map 906-76-1E 485R Howe Street; Map 90-76-3 483 Howe Street; Map 908-76-54 VP Washington Street; Map 1006-76-55VP Washington Street; and Map 1006-76-56 VP Washington Street, Methuen, MA, from its present designation as a Rural Residential (RR) District to a Multi-family (MA) District.

BE IT FURTHER ORDERED That the Petitioner is required to obtain a special permit from the Community Development Board in order to proceed with this project.

Order #916

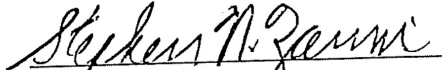
First Read: December 19, 2016
Adopted: February 21, 2017
Effective: February 21, 2017

I do hereby certify that at a meeting of which a quorum was present, the foregoing ordinance was adopted by the Methuen City Council by a unanimous vote on February 21, 2017.


Council Clerk


Jamie Atkinson, Council Chair

Approved under MHRC Sec. 3-6
Date: 2-28-17

Approved: 
Stephen N. Zanni, Mayor

TD-16-18
Order # 916

COPANI, TARLOW & CRANNEY

ATTORNEYS AT LAW

ANTHONY A. COPANI, ESQ.
DANIEL P. TARLOW, ESQ.
TED CRANNEY, ESQ.

DAVID M. FEENEY, ESQ.

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PARALEGALS
MARGARET A. NORTON
MAUREEN WINSHIP
JULIE A. SOWINSKI
RAQUEL M. HENRIQUEZ
ROBERT TERSOLO

November 30, 2016

Methuen City Hall
Searles Building
41 Pleasant Street
Methuen, MA 01844

Attn: Mr. Sean J. Fountain
Council Chairman

Re: Petition to Amend the Zoning Ordinance to Rezone that Area of Land located off Washington and Howe Street from a Rural Residential (RR) District to a Multi-Family Residence (MA) District

Mr. Chairman,

Kindly be informed that I represent Toll Bros., Inc., which has entered into purchase and sales agreements with the various owners of the parcels of land which comprise the locus that is the subject of this Petition. This land is a consolidation of seven separate parcels containing approximately 118 acres of essentially of undeveloped land. The Petitioner is proposing this zoning change in order to develop an "Active Adult Community" which will be "age restricted" consisting of carriage homes of various styles and amenities. Because the home styles and amenities offered will be specifically targeted toward active adults of 55 years and older, and because the roadways, lighting and trash removal will be privately maintained, this proposal will have little impact on City Services, while increasing tax revenues for the City. In addition, this will provide additional housing for Methuen's largest population growth of those residents 55 years or older.

The following documents are submitted in support of this Petition:

- 1) PETITION TO AMEND ZONING DISTRICT
 - 2) PERIMETER PLAN OF LAND – Locus (Drawn by ESE)
 - 3) TRAFFIC IMPACT STUDY – EXECUTIVE SUMMARY
- Prepared by McMahon Transportation Engineers & Planners

COMMONWEALTH OF MASSACHUSETTS

ESSEX COUNTY

METHUEN CITY COUNCIL
COMMUNITY DEVELOPMENT BOARD

PETITION

This Petition is submitted pursuant to Section XIII-B – Adoption & Amendment of the Comprehensive Zoning Ordinance of the City of Methuen.

Central Catholic High School of Lawrence, Inc., owner of Tax Parcels 906-76-3; Everett G. Jabour, Nassar G. Jabour and George A. Jabour, owners of Tax Parcels 1006-76-55 and 1006-76-56; Everett Jabour and Lilly J Riviezzo owners of Tax Parcel 908-76-54; Eric C. Boisvert owner of Tax Parcel 906-76-1E; Danielle Greeley owner of Tax Parcel 906-76-1D; and Nassar G. Jabour and Cheryl M. Jabour owners of Tax Parcel 906-76-1C, (a portion of said parcel is included in this petition), Petitioners, request the City Council and the Community Development Board of the City of Methuen to approve the following Petition:

“TO CHANGE/REZONE THAT AREA OF LAND LOCATED OFF WASHINGTON STREET AND HOWE STREET, METHUEN, AND AS MORE PARTICULARLY DESCRIBED BELOW, FROM ITS PRESENT DESIGNATION AS A RURAL RESIDENTIAL (RR) DISTRICT TO A MULTI-FAMILY RESIDENCE A (MA) DISTRICT.”

Said Land is designated on a plan of land entitled, PROPOSED REZONING MAP prepared for TOLL BROTHERS INC., in METHUEN, MASSACHUSETTS by ESE Land Planning, Engineering, Land Surveying, Scale 1"=150', dated November 18, 2016, and incorporated by reference herein as “Exhibit A”. Said Parcel contains 119.58 acres of land, more or less.



Order # 916
C.D.

City of Methuen, Massachusetts
Department of Economic & Community Development
The Searles Building, 41 Pleasant Street
Methuen, Massachusetts 01844
Telephone (978) 983-8560 Fax (978) 983-8976

JAN 17 AM 9:18

Stephen N. Zanni
Mayor

William J. Buckley
Director

Memorandum

To: James Atkinson, Chairman, City Council

From: Joseph Leone, Chairman, Community Development Board

Date: January 12, 2017

Re: Proposed Zoning Map Amendment – Howe Street – RR to MA

At their regularly scheduled meeting held on January 11, 2017 the Community Development Board **voted unanimously to recommend favorable action** to amend the Zoning Map of the City of Methuen by rezoning 118.21 acres of land located off Howe Street from Rural Residential (RR) to Multi-Family Residence A (MA). The Board's recommendation is conditioned upon the proponent's revising the Restrictive Covenant to be recorded on the land to include language stating that no children under 18 will be allowed to live in the Active Adult Community proposed to be constructed on the site.

The affected parcels are as follows:

- Map 906-76-1C 487 Howe Street (a portion of)
- Map 906-76-1D 485 Howe Street (a portion of)
- Map 906-76-1E 485R Howe Street
- Map 906-76-3 483 Howe Street
- Map 908-76-54 VP Washington Street
- Map 1006-76-55VP Washington
- Map 1006-76-56 VP Washington

If you have any questions or need additional information please do not hesitate to contact me.

PROPOSAL

The land that is the subject of this petition is a consolidation of seven separate parcels consisting essentially of undeveloped land. The Petitioners are proposing this zoning change in order to have this parcel developed as an "Active Adult Community", which will be "age restricted", consisting of 192 carriage homes of various styles, including amenities such as a clubhouse, swimming pool and bocce courts. A Concept Plan setting forth the preliminary layout of the roadway and homes as drawn by ESE is incorporated herein by reference as Exhibit B

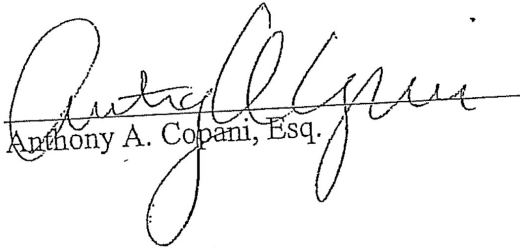
The Petitioner is requesting to rezone this parcel of land in order to provide for the appropriate density and flexibility in the layout of the roadway and homes necessary to develop a successful age restricted Active Adult Community. Because the home styles and amenities offered will be specifically targeted toward active adults of ages 55 years and older, and because the roadways, lighting and trash removal will be privately maintained, this proposal will have little impact on City Services, while increasing tax revenues for the City of Methuen. The City of Methuen's Master Plan acknowledged that the largest population growth is occurring in the 55-64 age group. One of the goals of the Master Plan is for the City to respond to accommodate this growing elderly population. This Active Adult Community is keeping within the planning objectives as set forth in the Master Plan and is keeping with the characteristics of the neighborhood and the district in which it is located.

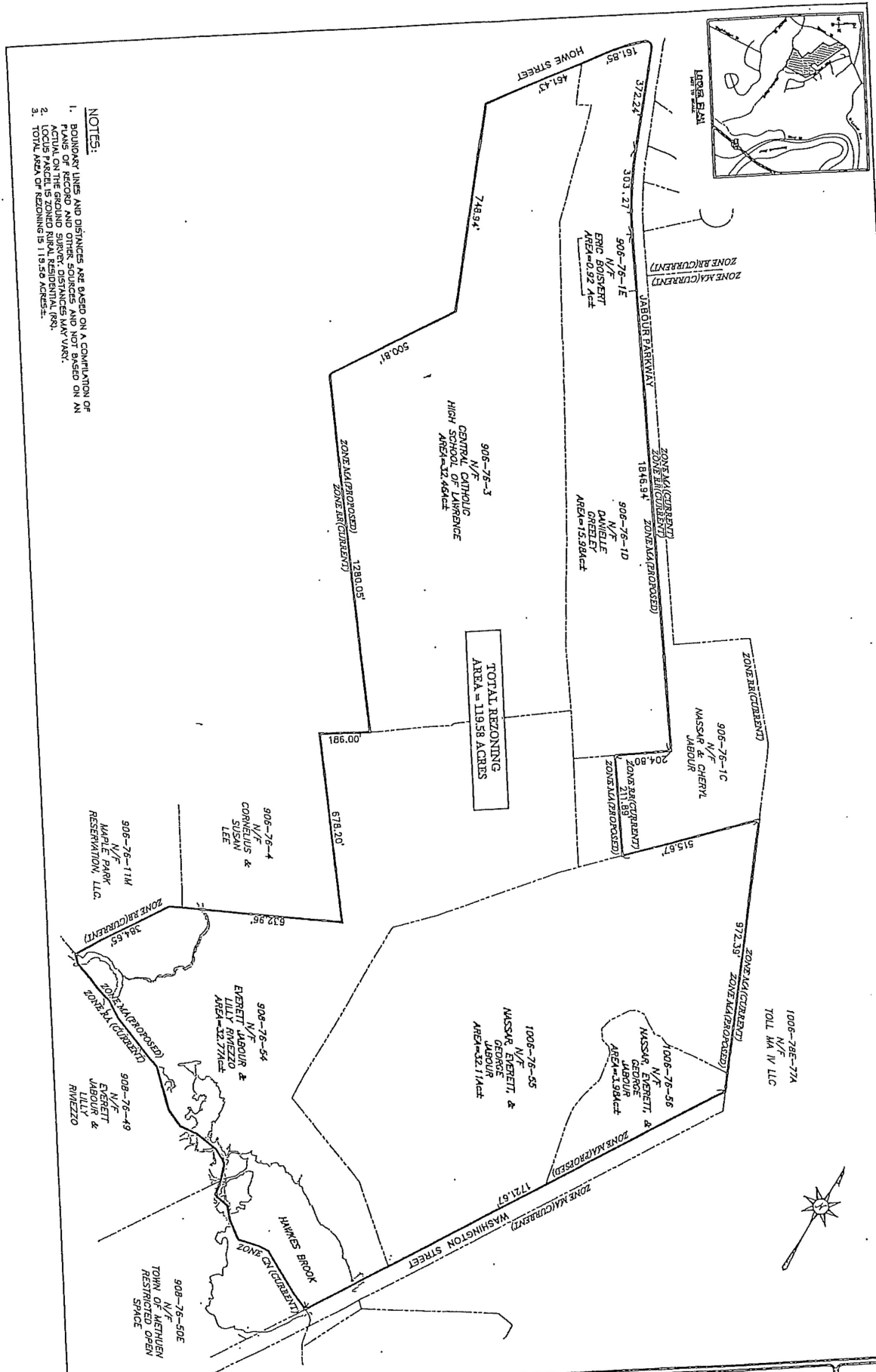
If this Petition is approved, it is only the first step in the process of receiving the necessary approvals from the City in order to construct this planned Active Adult Community. **IN ADDITION, THE PETITIONER IS REQUIRED TO OBTAIN A SPECIAL PERMIT FROM THE COMMUNITY DEVELOPMENT BOARD IN ORDER TO CONSTRUCT THIS COMMUNITY.**

November 21, 2016

Respectfully Submitted:

ON BEHALF OF THE PETITIONERS:


Anthony A. Copani, Esq.



- NOTES:
- BOUNDARY LINES AND DISTANCES ARE BASED ON A COMPUTATION OF PLANS OF RECORD AND OTHER SOURCES AND NOT BASED ON AN ACTUAL SURVEY OF THE GROUND. SURVEYING CONDITIONS MAY VARY.
 - LOCUS PARCELS ARE ZONED IN ACCORDANCE WITH 19A ZONING.
 - TOTAL PARCEL REZONING IS 119.58 ACRES.

	Land Planning Engineering Land Surveying	ESE CONSULTING, INC. 154 Franklin Street Suite 325 Westborough, MA 01581 TEL: 508-414-4142 FAX: 508-344-7777
	<p>PROPOSED REZONING MAP prepared for TOLL BROTHERS INC. in METHUEN, MASSACHUSETTS</p>	

AGE RESTRICTED TOWNHOME COMMUNITY
METHUEN, MASSACHUSETTS

TRAFFIC IMPACT STUDY
EXECUTIVE SUMMARY

Toll Brothers proposes to develop an Age Restricted Townhome Community to be located at 483 and 485 Howe Street in Methuen, Massachusetts. The project will consist of 192 attached carriage homes and associated amenities, for exclusive use of the community residents. The residential units are proposed to be connected through a series of internal roadways with access provided via two full-access drives that intersect with Howe Street. The findings of the traffic analysis for this proposed development are as follows:

- **2016 Existing Traffic Volumes – Manual Turning Movement (MTM) counts** were conducted on Thursday, September 29, 2016 from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM, at the following study area intersections:
 - Howe Street at Maple Street
 - Howe Street at South Site Drive/Meghan's Way
 - Howe Street at North Site Drive
 - West Lowell Avenue at Lake Street
- **Crash Analysis** – Crash data for the study area intersections was analyzed for the most recent three year period from 2012 to 2014. Based on the data from MassDOT, the calculated crash rates at each of the study area intersections were shown to be well below both the statewide and District 4 averages for unsignalized intersections.
- **2023 No Build Traffic Volumes** – A background growth rate of 0.75 percent per year, based on discussions with the Merrimack Valley Planning Commission (MVPC) and the Methuen City Engineer, was used to estimate future-year, 2023, base traffic volumes. Traffic volumes expected to be generated by other developments in the area have also been added to future-year, 2023, traffic volumes. The other developments include a proposed 10-lot subdivision located on Howe Street and a 140-unit residential development (Emerald Pines) located on Pine Tree Drive.
- **Trip Generation** - The Institute of Transportation Engineers (ITE) publication *Trip Generation Manual, 9th Edition*, was used to estimate the number of vehicle trips associated with the proposed project based on Land Use Code 252 (Senior Adult Housing – Attached). The proposed Age Restricted Townhome Community is estimated to result in approximately 38 new vehicle trips (13 entering vehicles and 25 exiting vehicles) during the weekday morning peak hour and approximately 48 new vehicles trips (26 entering vehicles and 22 exiting vehicles) during the weekday afternoon peak hour.
- **Trip Distribution** – The vehicle trips expected to be generated by the proposed development were distributed onto the study area roadways and intersections based on the existing travel patterns of the adjacent roadways and a review of US 2010 Census Journey-to-Work data for the City of Methuen. Vehicle trips accessing the project site were assigned

AGE RESTRICTED TOWNHOME COMMUNITY
METHUEN, MASSACHUSETTS

to the site driveways based on residence location within the development and ease of access to Howe Street.

- **2023 Build Traffic Volumes** - The project-related traffic was assigned to the surrounding roadway network based on the project distribution patterns and were then added to the 2023 No Build peak hour traffic volumes to reflect the 2023 Build peak hour traffic volumes.
- **Capacity Analysis** – Intersection capacity analyses were conducted for the study area intersections to evaluate the 2016 Existing, 2023 No Build, and 2023 Build peak hour traffic conditions. The exiting movements at both site drives are expected to operate at level-of-service (LOS) B or better and well under capacity during both the weekday morning and weekday afternoon peak hours. With the proposed project in place, all vehicular movements at the study area intersections are shown to operate at LOS B or better during both peak hours studied. The capacity analysis indicates that the proposed Age Restricted Townhome Community will not have a significant impact on the traffic operations of the study area intersections.
- **Sight Distance** – The available sight distance looking to the north (right) from both of the site drives exceed the minimum stopping sight distance for vehicle speeds of 35 miles per hour. The available sight distances looking to the south (left) from each of the site drives do not currently meet the minimum requirements due to overgrown vegetation. Minor landscaping and trimming of vegetation along Howe Street would result in sight distances that exceed the minimum required, providing safe access to and from the proposed development.

Based on the analysis results presented in this report, the proposed Age Restricted Townhome Community is expected to have a negligible impact on the operations of the study area roadways.

**FISCAL IMPACT
ANALYSIS REPORT**

**AGE-RESTRICTED
TOWNHOME COMMUNITY**

IN THE
CITY OF METHUEN,
ESSEX COUNTY, MASSACHUSETTS

Prepared for:
TOLL BROTHERS, INC.
New England Division
134 Flanders Road, Suite 275
Westborough, MA 01581

Prepared by:
Hannah Mazzaccaro, AICP

October 21, 2016

Summary of Fiscal Impacts from Proposed Age-Restricted Townhome Community

The construction of (192) age-restricted attached townhomes by Toll Brothers, on the Howe Street property in Methuen, will provide \$1 million per year in net surplus discretionary revenue to the City of Methuen's operating and capital budgets. The community will provide revenues in construction fees and other taxes, and will generate hundreds of jobs and millions of dollars of income in the local economy. This report, as summarized below, details the anticipated fiscal impacts of the development on the City of Methuen budget.

See report below and attached Appendix for detailed calculations, methods, and data sources.

Projected Demographics

Proposed Number of New Homes	Average Residents Per Home	Total New Residents
(192) Age-Restricted Townhomes	1.57	301
	Average School-Age Children Per Home	Total New School-Age Children
	0	0

Net Fiscal Impacts – City of Methuen Budget

Taxing Entity	Annual Property Tax Revenue	Annual Cost of Services	Annual Net Surplus From New Homes
City of Methuen	\$ 1,277,979 \$6,656 per Home	(\$ 215,817) \$1,124 per Home	\$ 1,062,162 \$5,532 per Home

Overall Community Economic Impacts

	Annual Benefits – During Construction	Annual Benefits – Recurring After Build-out
NET SURPLUS Real Estate Taxes to be Paid to City of Methuen	\$ 354,054 – Year 1 \$ 708,108 – Years 2 & 3	\$ 945,028
Construction Fees	\$ 485,950 per year (\$ 1,457,856 over 3 years)	--
Real Estate Transfer Taxes	\$ 424,700 over 3 years	--
Local Economic Impact – Increased Income and Tax Revenue	\$ 55 million over 3 years	\$ 7.8 million annually (business income, wages, and sales & income taxes)
Local Economic Impact – Job Creation	455 Construction Jobs 300 Local Jobs	130 Permanent Local Jobs

Summary of Proposed Development

Toll Brothers proposes construction of one-hundred and ninety-two (192) attached townhomes on ±118.2 acres off of Howe Street in the City of Methuen. The land is currently zoned for minimum 80,000 square foot residential lots. The developer is proposing re-zoning the property to MA – Multi-family Residence A District, with a Special Permit application for Multi-family and Attached Dwellings. There are no age-restriction requirements in the zoning. The developer will deed-restrict the property with an age restriction limiting residents to 55 and older, in accordance with the Federal Housing for Older Persons Act.

A Sketch Plan has been prepared by ESE Consultants for Toll Brothers. The major components of the plan are:

- (192) Attached Townhomes, in buildings of 2 and 3 units each
- All homes to be age-restricted to residents 55 and older in accordance with the Federal Housing for Older Persons Act (HOPA)
- All community roads, open spaces, and on-site services (e.g. snow plowing, refuse disposal, recreation facilities) to be privately owned and maintained by a Homeowners Association (HOA) and paid for through HOA fees
- Stormwater Management Facilities meeting Massachusetts water quality and runoff quantity requirements, to be owned and maintained by HOA
- Sewer service provided through the adjacent Regency at Emerald Pines community (also developed by Toll Brothers)
- Primary and secondary road access from Howe Street
- Clubhouse and recreation facilities on-site, limited to residents (not shared with Emerald Pines and not open to the public)

Sales and Residential Demographics

1) Projected Sales:

Toll Brothers has two comparable age-restricted communities in Methuen. Regency at Emerald Pines is a community of age-restricted single homes on land adjacent to the subject tract. Regency at Methuen is a similar Toll community in Methuen which is now built-out with a mix of age-restricted single homes and townhomes.

Toll Brothers plans to sell the townhomes for an average price of **\$485,000**.

2) Projected Demographics:

As of the 2013 American Community Survey (U.S. Census Bureau), the City of Methuen has a population of **48,514 people** living in **17,584 households**. The average household size in Methuen is 2.76 people.

Regency Meadows will be age-restricted, with a deed restriction requiring at least one member of each household to be 55 or older. This analysis uses an **average household size of 1.57 people per household**, based on the standard demographic multiplier for age-restricted single homes in the Northeastern U.S., and consistent with Toll Brothers data from Regency at Methuen.

According to National Association of Home Builders data, and corroborated by data collected by Rutgers Center for Urban Research Policy, the majority age range of residents of "Active Adult" communities (age-restricted but without continuing care facilities) is 55 to 74 years. Toll Brothers confirms that their buyers at Regency at Methuen and Regency at Emerald Pines primarily fall into the 55-74 age range. Census data shows that 41% of households in Essex County, MA, are headed by persons 55 or older, indicating that there is a market for this type of housing in Essex County, MA.

Based on an average household size of 1.57 persons per home, it is expected that the 192 age-restricted townhomes will be home to **301 residents**, primarily between ages 55 and 74. Not all residents will be new to Methuen; some residents will relocate from within the local area.

3) Projected Household Incomes:

According to a recent Gallup poll conducted throughout 2014, 73% of Baby Boomers (those born between 1946 and 1964) are employed full time at age 55, and 32% are still employed at age 68. According to the poll, by age 64, about half of all people – both men and women – retire or switch to part-time work. Given that the majority of the residents of an Active Adult community are between 55 and 74 years of age, with a median age of 64 years old, it is expected that approximately 50% of the future community's residents will be employed.

Assuming 150 of the new residents (50%) are employed and earning the area median per capita income of \$38,000 per person (per the US Census), the new development will add \$5.7 million of personal income to the local economy, which will lead to an increase in spending in the local area, primarily on services and food.

Annual Revenues and Cost of Services at Build-Out

1) Real Estate Taxes to be Paid by New Homes:

Homeowners in the City of Methuen pay local taxes on about 94% of the market value of their homes, at a rate of \$14.60 per thousand dollars of home value. This analysis uses the 2015 tax rate in order to accurately compare revenues against the costs from actual 2015 budget expenditures, as though the homes were in place in 2015.

The townhomes, with average values of \$485,000, will pay an average of \$6,656 per home in property taxes to the city, using 2015 dollars and the sales prices and tax rate stated above. The 192 townhomes will add a total of \$1,277,979 annually to the local property tax assessment roll.

2) Cost of Public Services for New Homes:

This analysis uses the Per Capita Multiplier method to calculate the cost of public services, in order to compare those costs against the projected property taxes.

According to the City of Methuen Fiscal Year 2015 Operating Budget, the city spends a total of about \$1,579 per person for public services, not including public education costs. Approximately 45% of that cost is paid for by local residential property tax payers, or \$717 per person per year.

Using the Per Capita Multiplier method, the proposed development will cost the City of Methuen \$215,817 per year in property-tax-supported service costs. The total annual property tax revenue from the new homes will be \$1,277,979, netting a public surplus of more than \$1 million per year (\$1,062,162) when the cost of services is subtracted from the property tax revenues.

The municipal government can use the public surplus in a variety of ways. The surplus can either be used to increase spending on budget items, or it can be used to lower the effective tax rate for all property tax payers, or a combination of both.

3) Impacts on Levels of Service:

"Active Adult" communities, in which the majority of residents are between the ages of 55 and 74, have lower impacts on public services than typical single family homes do, in

large part because of smaller household sizes with no school children. Many of the services provided in the 2015 budget will not be utilized by residents of the new community, such as waste disposal, playing fields and other family-oriented recreation, education, and other child and family services.

- **Private Services:** The new community will be served by private services and amenities such as trash removal, road maintenance, snow plowing, on-site social and recreational facilities, and open spaces. All these private services will be maintained through a separate Homeowners Association (HOA) monthly fee. Solid waste disposal accounts for \$2.5 million of the city budget; the new community will provide and pay for its own solid waste disposal, causing no increase in this city budget item. The development will provide private recreational facilities and open spaces for the exclusive use of the residents.
- **No School Children:** The largest municipal budget item in Methuen is the School District. The proposed community will not add any new school children. This accounts for the majority of the fiscal surplus anticipated from the new development.
- **Lower Traffic Impacts:** Age-restricted communities have much lower traffic impacts on a per-household basis than typical single family developments. The Institute of Transportation Engineers (ITE) Trip Generation Manual data indicates that while a typical single-family home generates an average of 10.1 car trips daily, an active adult home generates only about 3.5 trips per day. Anticipating that at least half of future residents will be retired or working part time, the peak hour traffic demand of the new community will be much less than that of a typical subdivision. There will be no school bus traffic generated by the community.
- **Fire and Emergency Medical Services Impacts:** The townhomes will be new construction equipped with required fire safety protections to meet building safety codes.

One method of projecting future fire and emergency services impacts is to look at Regency at Methuen as a **case study**. Regency at Methuen is a similar Toll Brothers community with a mix of (136) single homes and (104) townhomes which is fully occupied and built out and has been for more than two years.

Regency at Methuen had (51) fire department calls for (240) homes in 2015, (15) of which were medical calls. (See attached memo for data) This is an average of .21 calls per household per year, or a total of 4.25 calls per month (1.25 of which were medical calls). Only one (1) of the calls in 2015 was an actual fire requiring dispatch. Most of the fire calls were false alarms.

Using the data from Regency at Methuen, the proposed community will produce an additional 40 calls per year, or 3.4 fire department calls per month, 1 of which may be a medical call, and the majority of which will be false alarms not requiring dispatch. This is not a significant enough increase to necessitate more service capacity, however if there is already a need for more capacity to serve Methuen as a whole, the increased tax revenue from the proposed community will be available to offset any cost increases (e.g. hiring more staff, purchasing new equipment).

The data from Regency at Methuen suggests that Regency Meadows will generate 1 new medical call per month requiring EMS dispatch. All medical and ambulance services will be paid for by the residents through Medicare and private health insurance reimbursement payments. Therefore any increase in medical calls will not create any significant impacts on the EMS budget.

- **Public Safety Impacts:** Looking again at Regency at Methuen data (attached), there were 30 calls for service requiring police dispatch to the active adult community in 2015. An average of 2.5 calls per month among 240 homes equates to .01 calls per home per month. Using this multiplier, Regency Meadows will generate fewer than 2 police dispatch calls per month. Again, this is not a significant enough increase to necessitate more service capacity, however if there is already a need for more capacity to serve Methuen as a whole, the increased tax revenue from the proposed community will be available to offset any cost increases (e.g. hiring more staff, purchasing new equipment).

Other Fiscal Impacts

1) Construction Fees:

The City of Methuen charges a variety of fees for new development, which provide income for the Building Department to cover the administrative costs of reviewing the new development. Not including the one-time development fees for overall subdivision and engineering review, the typical city fees (per home) for Regency at Methuen townhomes are:

Water Permit:	\$1675.00
Sewer Permit:	\$2248.80
Building Permit:	\$3030.00
Electrical & Plumbing Permits:	\$640
Total Fees PER HOME:	\$7,593 per townhome

With 192 homes, the city will collect \$485,950 in building fees per year, assuming 64 homes constructed per year, totaling \$1.45 million in permit fees over the 3-year build-out of the project.

2) Job Creation & Local Income:

According to national data from 2015 residential developments collected by NAHB, the construction of 100 new homes adds \$28,670,800 in local income and supports the creation of 394 new jobs. Almost \$20 million and 237 jobs are a direct result of the construction activity, while the other \$9 million and 157 jobs are created through the induced ripple effect of spending, income increases and tax increases in the local economy. In addition, the data indicates that the ongoing annual effect of 100 new homes when they are occupied results in about \$4 million in annual local income, creating 70 permanent local jobs from construction of 100 new homes.

With 192 new homes proposed, the 3-year construction phase will generate 455 construction jobs and 300 induced jobs, for a total of 755 short-term jobs in the local area, boosting Methuen's economy by \$55 million during the construction phase. When the homes are built out, 130 jobs will be supported on an ongoing basis, and the

community will contribute \$7.8 million in ongoing annual local income, including business income, local wages and salaries, and local taxes.

3) Real Estate Transfer Taxes (Stamp Tax / Excise Tax):

For each new home that is sold, a real estate transfer tax of \$4.56 per \$1,000 is paid to Essex County. Each townhome sale will pay an average fee of \$2,212. Essex County will gain \$424,700 in taxes over the 3 year build-out period.

4) Personal Property Taxes:

This analysis only takes into account the property taxes paid on real estate. The City of Methuen also collects taxes on vehicles, boats, business equipment, and other types of personal property as permitted by state law, which will add a significant amount of annual local revenue.

**Regency Meadows - Toll Brothers
(192) Age-Restricted Townhomes**

The following calculations model the impact of the new development on 2015 Budgets, as though the homes were in place in 2015, using 2015 tax rate and budget numbers.

A. Estimated Number of New Residents				
Unit Type	Quantity New Homes	Average Number of Residents Per Unit*		New Residents
Age-Restricted Townhome	192	1.57	=	301
Total Homes	192	Total New Residents	=	301

**Source: Average residents per age-restricted single-family attached home from American Community Survey statistics for Northeastern US, as compiled in "Who Lives in New Jersey Housing? New Jersey Demographic Multipliers," by David Listokin, et al., November 2006." This publication is the industry standard for community impact analysis demographic projections.*

B. Estimated Number of New Public School Children				
Unit Type	Quantity New Homes	Average Number School Age Residents Per Unit*		New School Age Residents
Age Restricted to Residents 55 and Over	192	0	=	0
Total New Pupils			=	0

C. Estimated Taxable Value of New Homes				
	Number of New Homes	Average Market Value Per Home*		Total Market Value
Age-Restricted Townhome	192	\$ 485,000	=	\$ 93,120,000
Total Homes:	192	TOTAL MARKET VALUE:	=	\$ 93,120,000
x EQUALIZATION RATIO**:				0.94
TOTAL ASSESSED TAXABLE VALUE:				\$ 87,532,800

*Average home price provided by the developer.

**According to the City of Methuen 2016 Budget report, parcels in Methuen are assessed at 94% of their market value.

D. Estimated Annual Cost of Services for New Residents				
	Average Cost Per Resident or Pupil**	Number of New Residents or Pupils		Total Annual Cost
City of Methuen: Per Capita Tax-Supported Cost of Municipal Services	\$ 717	301	=	\$ 215,817
Methuen Public School District	\$ 14,518	0	=	\$ -
TOTAL ANNUAL COST OF PUBLIC SERVICES*:				\$ 215,817

Per capita cost calculated by dividing total City of Methuen annual operating budget expenditures by number of residents, adjusted to account for the revenues from state fund transfers and commercial and industrial ratables. Methuen's Total Operating Budget Expenditures for FY 2015 (subtracting School & Regional School line items totaling \$73,209,097) were \$76,618,409 divided by 48,514 residents (2013 American Community Survey) equals \$1,579 per person total per capita municipal service cost. Approximately 46% of the per capita service costs are paid annually by outside funds and receipts for fees. This brings the property tax levy-supported cost of municipal services down to \$853 per person (54% of the total cost). Another 16% of this tax-supported cost is paid by commercial and industrial property owners and personal property taxes. The resulting per capita service cost for residents of the City of Methuen is approximately \$853.84= \$717 per capita, per year.

** Per Pupil Cost reported by Massachusetts Department of Elementary & Secondary Education.

Note: The Per Capita Multiplier cost of services calculation used herein was developed in the 1980's by the Rutgers University Center for Urban Policy Research, and has since become the industry standard method for computing public fiscal impacts of proposed development.

E. Estimated Tax Revenue Generated by New Homes in City of Methuen			
Receiving Entity	Tax Rate per \$1000 of Assessed Value (2015 Rate)		Total 2015 Tax Revenues
City of Methuen & Methuen Public Schools	\$ 14.60	=	\$ 1,277,979
TOTAL ANNUAL PROPERTY TAX REVENUE:			= \$ 1,277,979
Property Tax Per New Home:			= \$ 6,656

F. Projected Net Annual Fiscal Surplus to City of Methuen			
	Annual Property Tax Revenue	Annual Public Cost	Annual Net Surplus
City of Methuen (Including Methuen Schools)	\$ 1,277,979	\$ 215,817	= \$ 1,062,162
Net Surplus Per Home:			= \$ 5,532

TABLE II-F-1
Total Persons (Household Size Multipliers) and Persons by Age in Age-Restricted Housing in the Northeast United States

STRUCTURE TYPE/ BEDROOMS/ VALUE/TENURE	TOTAL PERSONS	AGE					PERSONS		
		0-18	19-34	35-44	45-54	55-64		65-74	75-84
Single-Family Detached All Values, Bedrooms, and Tenure	1.57	0.00	0.01	0.08	0.00	0.67	0.44	0.37	0.00
Single-Family Attached All Values, Bedrooms, and Tenure	1.39	0.00	0.00	0.00	0.00	0.09	0.61	0.48	0.21
Multifamily All Values, Bedrooms, And Tenure	1.20	0.00	0.00	0.00	0.00	0.04	0.42	0.49	0.25
All Housing Categories¹ All Values, Bedrooms, and Tenure	1.38	0.00	0.00	0.02	0.00	0.28	0.53	0.40	0.14
				PERCENTAGES					
Single-Family Detached All Values, Bedrooms, and Tenure	100%	0.00	0.01	0.05	0.00	0.43	0.28	0.23	0.00
Single-Family Attached All Values, Bedrooms, and Tenure	100%	0.00	0.00	0.00	0.00	0.06	0.44	0.35	0.15
Multifamily All Values, Bedrooms, and Tenure	100%	0.00	0.00	0.00	0.00	0.03	0.35	0.41	0.21
All Housing Categories All Values, Bedrooms, and Tenure	100%	0.00	0.00	0.01	0.00	0.21	0.39	0.29	0.10

Note: 1. Includes mobile homes.

Source: 2003 American Housing Survey.



METHUEN POLICE

MEMORANDUM

DATE: WEDNESDAY, JANUARY 6, 2016
TO: CAPTAIN MCCARTHY
FROM: OFFICER GINA SCANLON
RE: TOLL BROTHERS CALLS FOR SERVICE

Captain McCarthy,
This memo is in request to calls for service for Toll Brothers Wheeler Street from January 1, 2015 to December 31, 2015.

Toll Brothers Development consists of the following Streets:
12 Wheeler Street
Hopkins Circle
Herrick Way
Emmons Way
Hartshorne Way
Sherwood Way

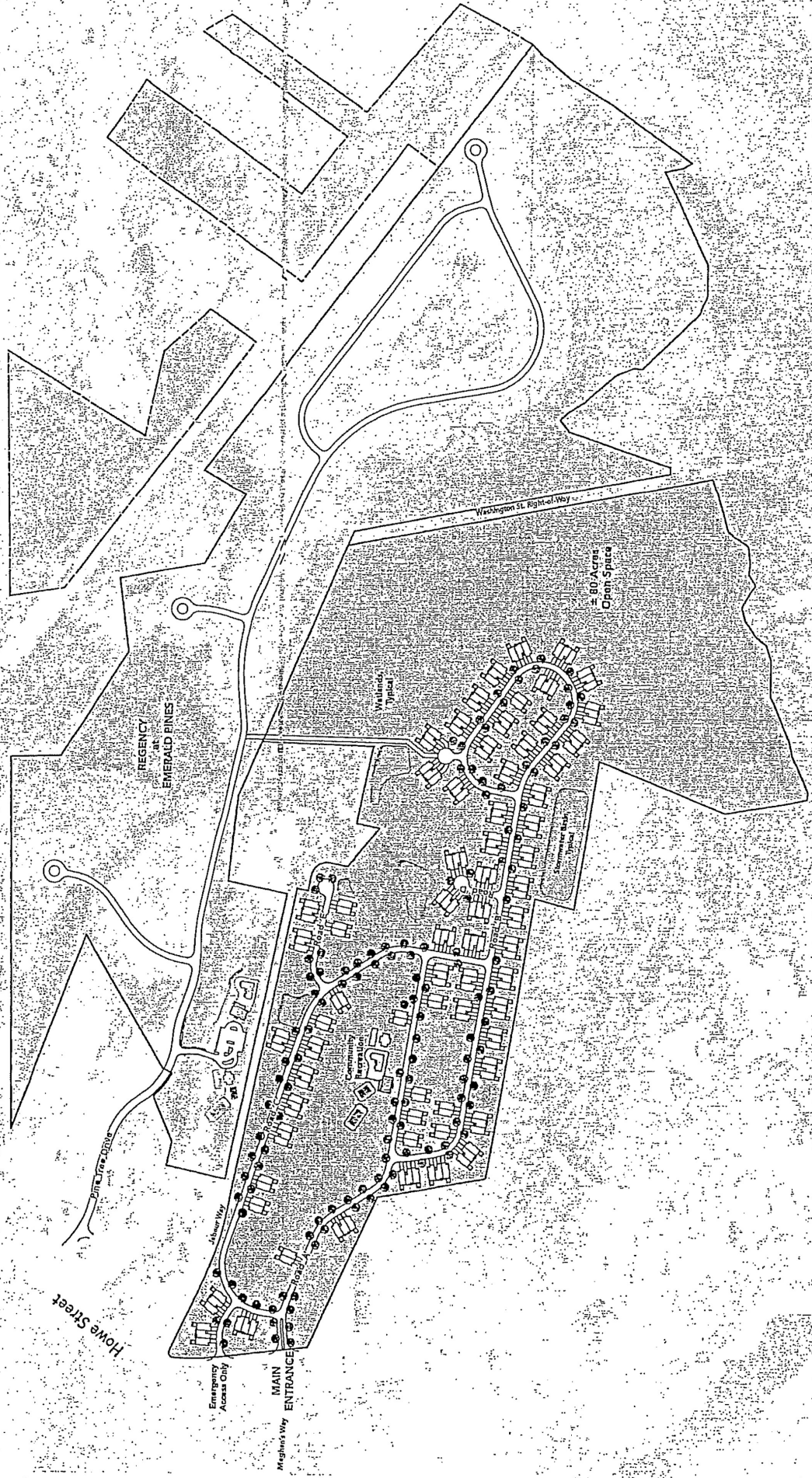
A search for calls for service to these streets revealed 81 calls for service in 2015.

The 81 calls for service are broken down into the following categories:

Alarm	35	Follow up	1
Medical	15	Open door	1
Suspicious Activity	7	Larceny	1
Disturbance	3	Keeper of the peace	1
Parking Complaint	3	Fire	1
Lost Wallet	2	911 Accidental	1
Welfare check	2	Lockout	1
MV stolen (dirtbike)	2	Threats	1
MV Stop	2	Notification	1
Debris in Roadway	1		

Respectfully Submitted,

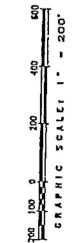
Officer Gina R. Scanlon

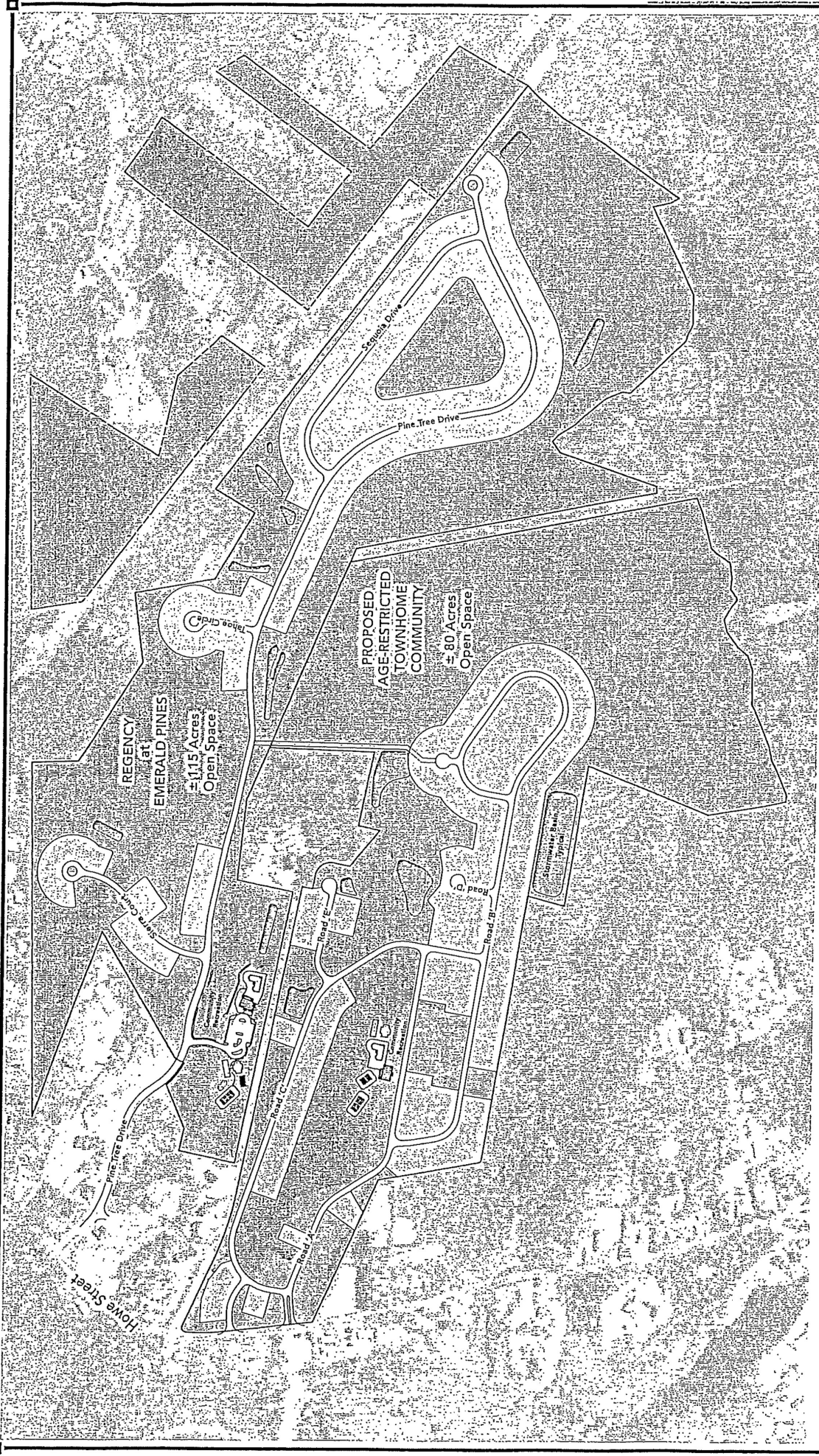


**PROPOSED AGE-RESTRICTED
TOWNHOME COMMUNITY
(192) TOWNHOMES**

CITY OF METHUEN, ESSEX COUNTY, MA
SCALE: 1" = 200'

- NOTES:
1. THIS PLAN IS THE EXCLUSIVE PROPERTY OF ESE CONSULTANTS INC. AND TOLL BROTHERS INC. ALL RIGHTS AND REMEDIES ARE HEREBY RESERVED. THIS PLAN MAY NOT BE REPRODUCED OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF ESE CONSULTANTS INC. AND TOLL BROTHERS INC.
 2. ALL BASE SITE INFORMATION SUBJECT TO FURTHER FIELD SURVEYING AND VERIFICATION.
 3. AERIAL PHOTOGRAPHY FROM DIGITAL GLOBE, BROWN HATCH, 2010.

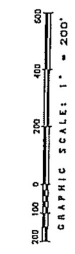




**PROPOSED AGE-RESTRICTED
TOWNHOME COMMUNITY**
OVERALL EXHIBIT: ± 195 ACRES OPEN SPACE

CITY OF METHUEN, ESSEX COUNTY, MA
SCALE: 1" = 200'
DATE: 11-29-2014 DRAWN: RW, HNS

- NOTES:
1. THIS PLAN IS THE EXCLUSIVE PROPERTY OF ESE CONSULTANTS INC. AND TOLL BROTHERS INC. ALL RIGHTS AND REMEDIES ARE HEREBY RESERVED. THIS PLAN SHALL NOT BE REPRODUCED OR DISTRIBUTED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF ESE CONSULTANTS INC. AND TOLL BROTHERS INC.
 2. ALL MASS SITE PLAN REQUIREMENTS APPLY TO THIS PROJECT.
 3. THIS PLAN IS BASED ON THE AERIAL PHOTOGRAPH DATED 11/29/2014.
 4. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 5. AERIAL PHOTOGRAPH FROM DIGITAL GLOBE, FLOWNA MARCH, 2014.



RESTRICTIVE COVENANT
Land off Howe and Washington Street
Methuen, MA

This restrictive covenant is granted this ___ day of December, 2016, by TOLL MA LAND III LIMITED PARTNERSHIP with a mailing address of 134 Flanders Road, Suite 275, Westborough, MA (“Grantor”), to the City of Methuen, situated in Essex County, Massachusetts, with a mailing address of 41 Pleasant Street, Methuen, MA 01844 (“Grantee” or “City”).

WHEREAS, the Grantor is the owner of a certain parcel of land (the “Premises”) situated in the City of Methuen shown on a plan of land entitled “Proposed Rezoning Map prepared for TOLL BROTHERS, Inc., in Methuen, Massachusetts by ESE Land Planning, Engineering, Land Surveying, Scale 1”=150’, dated November 18, 2016”, recorded with the Essex North District Registry of Deeds as Plan No. _____,

WHEREAS, the Grantor intends to develop the Premises as an “Active Adult Community” limited to residential use and occupancy by persons aged fifty-five (55) years and older in accordance with the Housing for Older Persons Act of 1995 (“HOPA”), the Federal Fair Housing Act, 42 USC Section 3601 et seq., as amended (the “FHAA”), together with implementing regulations, 24 CFR Part 100, subpart E, as amended (the “Development”);

WHEREAS, in order to facilitate the Development, the Grantor has petitioned the City to amend its Zoning Ordinances and Zoning Map to remove the Premises from the Residential Rural (RR) Zoning District and place it within a Multi-family (MA) Zoning District (the “Re-zoning”);

WHEREAS, the City, acting by and through its City Council, has determined that the Re-zoning will allow for development of the Premises that will address the housing needs of the City’s citizens, be harmonious with the surrounding neighborhood, and will be consistent with the City’s planning and development goals;

WHEREAS, to ensure development of the Premises consistent with the purposes of the Re-zoning as aforesaid, and to minimize the impact of the anticipated Development on the abutting property owners and the community at large, the Grantor has offered to grant to the City the use restrictions set forth herein; and

NOW THEREFORE, for the purposes set forth above and in consideration of the City’s approval of the Re-zoning, Grantor hereby voluntarily covenants and declares on behalf of itself, its successors in interest, assigns, and all other parties who now have or may hereafter take a legal or equitable interest in any portion of the Premises, to and in favor of the City and such parties, that from the date this covenant is recorded, and forward in perpetuity, the Premises, or any portion thereof, shall be held, conveyed, acquired, encumbered and occupied subject to the following restrictions:

1. Use of the Premises shall be limited to single-family dwellings (each, a "Dwelling Unit") in accordance with the Comprehensive Zoning Ordinance of the City. All other uses are prohibited.
2. A maximum of 192 Carriage Homes Dwelling Units may be constructed on the Premises, consistent with design plans submitted to and approved by the Community Development Board in accordance with the Comprehensive Zoning Ordinance. The Dwelling Units may constitute units in a condominium form of ownership.
3. In accordance with the housing for Older Persons Act of 1995, (HOPA"), the Federal Fair Housing Act, 42 USC Section 3601 et seq., as amended (the "FHAA"), together with implementing regulations, 24 CFR Part 100, subpart E, as amended, at least eighty percent (80%) of the Dwelling Units on the Premises shall be occupied by at least one individual who is fifty-five (55) years of age or older. A covenant or covenants setting forth additional restrictions consistent with this Covenant and the terms and conditions of permits and approvals issued for the Development may be recorded upon the issuance of such approvals.
4. All roadways constructed on the Premises shall remain private, and Grantor, its successors and assigns, shall be responsible for the maintenance thereof.
5. Grantor, its successors and assigns, agrees to incorporate the terms of this Covenant in any agreement (including a purchase and sale agreement), deed or other legal instrument by which it divests or agrees to divest itself of any interest in all or a portion of the Premises, including without limitation, a leasehold interest. However, the failure to so incorporate shall not in any respect be deemed to cause a failure or impairment of the legal effect of this Covenant. The Grantor shall give prompt notice to the Grantee of any such transfer.
6. The covenants and restrictions contained herein shall constitute a covenant running with the land and operate as restrictions upon the Premises, and shall bind and inure to the benefit of, and be enforceable by the City, its representatives, agents, successors and assigns. They shall apply to the Grantor and its successors and assigns, including any association or entity that may be formed to control or maintain the property, and to such successors and assigns as may hereafter exist as a result of a foreclosure or of a bankruptcy.
7. Said covenants and restrictions are intended to benefit both the Grantor and the City, and Grantor, by its signature below, states and acknowledges that such benefits are both actual and substantial, and covenants on behalf of itself and its successors and assigns that it shall not claim otherwise during the term of the covenant.
8. Legal Remedies of Grantee.
 - (a) The City shall have access to all remedies in law or equity as are necessary and proper to enforce the covenants granted herein, including, but not limited to, halting or

preventing the violation of the covenants by injunction or other lawful procedure, and requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the City may have no adequate remedy at law), which shall be in addition to, and not in limitation of, any other rights and remedies available to the City.

(b) Grantor covenants and agrees to reimburse the City for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Covenant or in taking reasonable measures (authorized hereunder or by law or in equity) to remedy or abate any violation hereof, provided that (i) it is acknowledged by Grantor in writing that a violation of the Covenant shall have occurred, or (ii) the City is the prevailing party in a resulting enforcement action.

(c) By its acceptance of this Covenant, the City does not undertake any liability or obligation relating to the condition or use of the Premises.

(d) Enforcement of the terms of this Covenant shall be at the discretion of the City, and any forbearance by the City to exercise its rights under this Covenant shall not be deemed or construed to be a waiver of such rights.

9. Access. The City shall have the right to enter upon the Premises to inspect the same for compliance with the terms of this Covenant and to abate or remediate any violations of this Covenant.
10. Grantor agrees that this covenant shall be considered an "other restriction held by a governmental body," as that term is used in G.L. c. 184, § 26, and thus not subject to the limitations on the enforceability of restrictions in G.L. c. 184, § 26-30, and, in any event, shall be enforceable for a period of not less than ninety-nine (99) years from the recording hereof; nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of this covenant, Grantor hereby appoints the City as its agent to execute and record such notice and agrees to execute and record such notice upon request.
11. Mortgagee Consent and Subordination. Grantor represents and warrants that it is the sole owner in fee simple absolute of the Premises, and that it has obtained the consent and subordination of all existing mortgagees and lienholders of the Premises to the execution and recording of this covenant and to the terms and conditions hereof, that all such mortgagees and lienholders have executed a consent and subordination to this covenant, and that all such consents and subordinations shall be recorded simultaneously herewith. If this covenant is recorded subsequent to any such mortgage or lien, Grantor shall obtain and record the subordination of any such mortgage or lien to this covenant as if this covenant were recorded prior to the recording of such mortgage or lien.
12. This Covenant shall be effective only upon the recording of a certified copy of the vote of the Methuen City Council approving the Re-zoning, bearing the Mayor's endorsement.

13. Any amendments to this covenant must be in writing and executed by all of the parties hereto.
14. If any provision of the herein covenant is held invalid by a court of competent jurisdiction, the remainder of the Covenant, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected, and shall remain in full force and effect. Grantor on behalf of itself and its successors and assigns agrees that it shall take any and all actions in conjunction with the Grantee to remedy the defect including but not limited to seeking legislative authority to render the restriction enforceable.
15. The covenants contained herein shall be governed by the laws of the Commonwealth of Massachusetts.

EXECUTED as a sealed instrument as of the date and year first written above.

TOLL MA LAND III LIMITED PARTNERSHIP

BY: FRANKLIN FARMS G.P., INC.
General Partner

By: _____
Name:
Title:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss. _____, 2016

Then before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

ACCEPTANCE

The City of Methuen, acting by and through its Mayor pursuant to the vote taken by the City Council on December __, 2016, a certified copy of which is attached hereto, G.L. c.40, § 14, and any other authority in any way appertaining, hereby accepts the foregoing Restrictive Covenant from TOLL MA LAND III LIMITED PARTNERSHIP by FRANKLIN FARMS G.P., INC. this _____ day of December __, 2016.

CITY OF METHUEN,
by its Mayor

Stephen N. Zanni

COMMONWEALTH OF MASSACHUSETTS

Essex, ss

On this _____ day of December, 2016, before me, the undersigned Notary Public, personally appeared Stephen N. Zanni, Mayor of the City of Methuen, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Methuen.

Notary Public
My Commission Expires