

4. Make steady progress toward the 10% state standard for affordable housing stock by producing affordable housing that equals ½ of 1% of the Town’s housing stock (i.e., 25 units per year based on the 2010 US Census for year-round housing units in the Town of Wayland), which will also allow the Town to remain housing-certified under MGL Chapter 40B and 760 CMR 56.00.

The Town’s Housing Production Program charts affordable housing activity over the next five years. Because these goals are estimates, the Town will update the Plan as needed. The production goals are based largely on the following criteria:

- To the greatest extent possible, at least fifty percent (50%) of the units that are developed on publicly-owned parcels should be affordable to households earning at or below 80% of AMI– the **affordable units** – and at least another 10% affordable to those earning up to 120% of AMI – **moderate-income “workforce” units** – depending on project feasibility. Rental projects will also target some households earning at or below 60% of AMI and lower, depending upon available subsidies.
- Projections are based on four units per acre, assuming that half of the available site is developed at eight units per acre. However, given specific site conditions and financial feasibility, it may be appropriate to decrease or increase density, as long as projects are in compliance with Title 5 and wetlands regulations.
- Because housing strategies include some development on privately-owned parcels, production will involve projects sponsored by private developers through the standard regulatory process or possibly the “friendly” comprehensive permit process. The Town will continue to work with private developers to fine-tune proposals to maximize their responsiveness to community interests and increase affordability to the greatest extent feasible.
- The projections involve a mix of rental and ownership opportunities. The Town will work with developers to promote a diversity of housing types directed to different populations with housing needs including families, seniors, and other individuals with special needs in order to offer a wider range of housing options for residents in accordance with the identified priority housing needs.

### Wayland Housing Production Program

Table 30 below outlines units that have been completed and the paperwork needs to be filed with DHCD to have them entered onto the SHI, while Table 31 shows units that have been permitted and/or are under construction that will be eligible for the SHI.

**Table 30**  
**Units Built But Not on SHI**

Development	Unit Type	Affordability (% of AMI)	Affordable Units	Market Units	Total Units
Paine Estate	Ownership	80%	5		5
Wayland Gardens	Ownership	80%	3		3
<b>Total to be put on SHI</b>			<b>8</b>		

**Table 31**

Permitted and/or under construction and will be eligible for SHI					
Development	Unit Type	Affordability (% of AMI)	Affordable Units	Market Units	Total Units
Craftsman Homes	Ownership	80%	2	6	8
Commonwealth Residences	Rental	80%	14	42	56
Doran Road*	Ownership	80%	3		3
Hamlen/Covered Bridge	Ownership	80%	2	14	2
Michael Road Extension	Ownership	80%	1		1
Rivers Edge	Rental	80%	44	242	286
<b>Total to be put on SHI</b>			<b>354</b>		

In order to estimate the number of housing units that Wayland may add from 2010 to 2020, we examined the growth in housing units over the preceding two decades, which showed 8% growth from 1990 to 2000 and 6% growth from 2000 to 2010. Therefore, we assumed a lower household growth at 6% from 2010-2020. According to the 2010 US Census, the total number of housing units in Wayland 2010 was 4,957. **Table 32** below shows the number of housing units to be added between 2014 and 2020, totaling 382 units, to get to a total SHI housing unit count of 574 or 10.92 % of 5,254 in 2020. Based on the number of units on the SHI today, plus the number of units built and not yet on the SHI and the number of units permitted and/or under construction, the town could reach 10% by 2016. Having reached the 10% affordability goal, the community will be better able to direct the size and type of developments to be built that contain affordable housing units. Therefore, we suggest yearly production of 5 units to maintain the 10% requirement for when the new census is counted in 2020. Table 32 below illustrates this calculation:

**Table 32**

Annual Subsidized Housing Unit Production to Achieve 10% Goal							
Year	2014	2015	2016	2017	2018	2019	2020*
<b>Housing Units</b>	4,957	4,957	4,957	4,957	4,957	4,957	5,254
<b>10%</b>	496	496	496	496	496	496	525
<b>Production</b>	8	177	177	5	5	5	5
<b>SHI</b>	200	377	554	559	564	569	574
<b>Gap</b>	296	119	-58	-63	-68	-73	-49
<b>% of Total Units</b>	4.03%	7.61%	11.18%	11.28%	11.38%	11.48%	10.92%
<b>*assumes 6% growth 2010-2020</b>							

Communities that have not met the minimum 10% requirement must annually increase the number of SHI units by at least 0.5% of year-round housing units in order to be granted certification by DHCD. A community with this certification has better leverage regarding development of affordable housing in the community, and may deny new Comprehensive Permit applications. In other words, a community has authority to work with developers to maximize benefit to the community’s needs, rather than passively accepting the developer’s proposal.

Meeting these production goals will be extremely challenging. Acting alone, the Town cannot accomplish all of its affordable housing goals; however, it can and should use its resources and planning initiatives to encourage and facilitate the production of affordable housing.

### **New Housing Policy and Procedures**

For all future Wayland housing initiatives, the Town will build its housing agenda on the following basic components to meet the range of local needs:

#### **1. Compliance with Americans with Disabilities Act (ADA)**

The Town, through the WMAHTF, WHA, WHP, and other entities, should work with housing developers to encourage the creation of affordable as well as market-rate handicapped-accessible housing units to serve the needs of Wayland's disabled population.

#### **2. Standardization of Purchase and Sale of Affordable Units**

Wayland's residents and home developers would benefit from written guidance about the process by which affordable housing units is created, sold, and added to the SHI, and their affordability maintained. Because Wayland does not currently have such a user-friendly policy, the WHP – or an ad hoc committee – should be tasked with compiling the necessary information and making it available through the Town's website, relevant Town departments, and affordable housing entities. Checklists for buyers, renters, and developers would also be useful. This policy might also be distributed to owners of affordable housing units, possibly in conjunction with the annual recertification.

#### **3. Implementation and Enforcement of Use and Resale Restrictions**

In order to protect affordability for the maximum period allowed by law, all units included in the SHI must include affordability restrictions recorded at the Registry of Deeds. The Town will use the restrictions provided and mandated by DHCD for the LIP or other program where appropriate. The Town will also conduct, or ensure they are conducted by other entities, an annual recertification of compliance with the deed restriction and, when considering development proposals, the ZBA and Planning Board will express a preference for assignment of this responsibility to a local entity, such as the WHA.

#### **4. "Friendly" 40B program**<sup>7</sup>

In order for all of these affordable housing units to count toward the Town's SHI, they must be created in a manner required by the DHCD. For example, the Local Initiative Program (LIP),<sup>8</sup>

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<sup>7</sup> Within Comprehensive Permit projects, all rental units are counted toward a community's SHI, whereas only the affordable ownership units are counted toward the inventory. This provision means that a single large rental development—even if only 25% of it is affordable—can substantially increase a town's affordable housing count. To take advantage of this provision, the Town should use the Comprehensive Permit mechanism for permitting any rental development proposed under the Multi-Family Conservation Cluster development option. The advantage to the developer of planning his/her project using the Conservation Cluster Development Bylaw (as opposed to directly through a Comprehensive Permit) is that the project will be compatible with local zoning and thus the Comprehensive Permit will be "friendly"—a mere formality.

<sup>8</sup> The Local Initiative Program (LIP) is a state housing initiative that seeks to stimulate the production of affordable housing opportunities by fostering cooperation between municipalities and housing developers. The state provides technical assistance to developers and municipalities seeking to develop housing that serves households at or below 80% of the area median income within mixed-income (market and affordable) housing developments. LIP supports two approaches of providing affordable housing: Local Initiative Units, which are developed through a municipality's conventional zoning, and unit developments

also referred to as the “friendly” 40B program, is a state housing initiative administered by DHCD to encourage communities to produce low- and moderate-income housing that is of a design and size acceptable to the Town. The program also provides technical and other non-financial assistance to communities interested in developing housing to serve low- and moderate-income households through a Comprehensive Permit. A LIP project application is submitted by the Town in partnership with a private developer, and may occur on private or public property. The Board of Selectmen must approve the development before it can proceed under this program. The affordable units created through a LIP project count toward the 10% affordable housing requirement of Chapter 40B. In Wayland, LIP may be a useful tool in a variety of situations including public-private partnerships, limited development projects (such as the Paine Estate/Traditions of Wayland), and small infill housing projects on public or private land. The residences at 89 Oxbow effectively used this regulatory process.

#### 5. LIP Local Action Units

In addition to being used for “friendly” 40B projects, LIP allows the Town to count in the SHI affordable units that are being developed through some local action including

- a. Zoning-based approval, particularly inclusionary zoning provisions and special permits for affordable housing
- b. Substantial financial assistance from funds raised, appropriated, or administered by the town
- c. Provision of land or buildings that are owned or acquired by the town and conveyed at a substantial discount from their fair market value.

In order to be counted as part of the Subsidized Housing Inventory the units must meet the following criteria:

- a. A result of municipal action or approval
- b. Sold or rented in an affirmative fair marketing and lottery plan approved by DHCD
- c. Sales prices and rents must be affordable to households earning at or below 80% of area median income
- d. Long-term affordability is enforced through affordability restrictions approved by DHCD.

Additionally, the developer must submit a Subsidized Housing Inventory New Units Request Form to DHCD to ensure that these units get counted.

The Town and the developer have a number of responsibilities and must satisfy several requirements for any Local Action Units (LAUs) to be eligible for the SHI, and each of those units requires monitoring and annual recertification. To coordinate these tasks requires a significant amount of record-keeping, documentation, and administration. Given the volunteer nature of much of our Town government, it seems prudent to enlist professional support from a consultant. The most likely method of securing such expertise is through a Request for Proposals (RFP) process and paid with CPA funding. Because the dedicated housing funds from the CPA are administered by the WMAHTF, it would make sense for the WMAHTF to spearhead this process.

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through a Comprehensive Permit as authorized by M.G.L., c. 40B. All low and moderate-income units developed through LIP are included in a community’s subsidized housing stock (the state Subsidized Housing Inventory) for purposes of Chapter 40B.

### III. Implementation Strategies

Based on the local needs, existing resources, constraints, and compliance issues discussed in this Housing Production Plan, the Town of Wayland should consider and act upon the following implementation strategies as it works to accomplish its affordable housing. These proposed strategies aim to help the Town direct and leverage its funds and other resources to best meet the community's housing needs. These strategies also take advantage of the WMAHTF's ability to use funds from the CPA, inclusionary zoning payments, and other sources, which enhances the feasibility of purchasing existing housing stock and using it for affordable rental and homeownership.

The actions are divided into four areas:

1. outreach and education
2. housing preservation
3. regulatory strategies
4. housing production.

The Wayland Housing Partnership, Wayland Municipal Affordable Housing Trust Fund, Wayland Housing Authority, Planning Board, Community Preservation Committee, and the Board of Selectmen, along with other Town officials, departments, boards, and committees as needed, will work together to implement the recommendations of this Plan.

#### 1. Outreach and Education

##### Short Term Actions (1-2 Years)

1. Develop an outreach program that educates residents about the need for affordable housing and the available housing opportunities. This could include forums on housing for Town officials and residents with broadcast on the local cable channel; workshops for first-time buyers in concert with local lenders and nonprofit housing organizations; information about new programs; etc. (*WHP, WMAHTF, WHA, Planning Board, Selectmen*)
2. Encourage the donation of property, both land and buildings, while also providing information on tax advantages (*WMAHTF, WHP, Selectmen, Planning Board, Council on Aging*)
3. Provide user-friendly public information on the procedures to follow for the first-time sale and resale of affordable units (*WHP, WMAHTF, Planning Board, WHA, Selectmen*)

##### Intermediate Term Actions (3-5 Years)

Continue the previous strategies and

1. Develop a website on affordable housing issues and resources (*WMAHTF, WHA, WHP, Town Administrator/staff for IT support*)
2. Develop standard process for Local Initiative Program comprehensive permit projects (*Planning Board, Town Planner, Wayland Housing Partnership, Building Commissioner, ZBA, WMAHTF*)
3. Prepare a Resource Manual for residents on available programs and services related to housing (*WMAHTF, WHP, WHA, Town Administrator*).

## **2. Housing Preservation**

Although housing production is critical to making progress on affordable housing goals, the Town also needs to help lower-income residents access resources to become homeowners, maintain their properties, prevent foreclosure, etc.

### **Short Term Actions (1-2 Years) and Ongoing**

1. Hire a consultant to closely monitor properties with deed restrictions to ensure continued affordability, provide guidance and support through the project development process, and other affordable housing-related tasks (*WMAHTF, WHP, Planning Board, Selectmen, Town Counsel, Town Administrator*)
2. Publicize the Section 8 program and work with property owners to maintain availability through long-term agreements and incentives such as tax abatements and basic property management services by the WHA (*WHA, WMAHTF, WHP, Planning Board, Selectmen, Town Counsel*)
3. Work with landlords to rehabilitate rental units through financial assistance and/or a buy-down initiative (*WMAHTF, WHP*)

## **3. Regulatory Strategies**

The Master Plan includes recommendations for expanding the Town's existing Conservation Cluster Development Bylaw to offer several development options for vacant parcels in Residence zones. A Multi-Family Housing Conservation Cluster option would allow a combination of 1-, 2-, 3-, and 4-family homes alongside protected open space. A portion of the units would be reserved for senior citizens and a portion (e.g., 15%) would be deed-restricted guaranteeing affordability for as long as is legally possible. The proposed Multi-Family Conservation Cluster would allow a higher density of development to encourage the creation of smaller housing units (at least 80% containing two or fewer bedrooms), serving empty nesters and seniors, young adults, small households, and moderate-income households. One-fourth of the units would be set aside as affordable units in perpetuity, or as long as possible.

The Town should also allow multi-family housing development through the expansion of the Planned Development District and the Senior and Family Housing Overlay District. While these approaches are not likely to be used frequently, they enhance the Town's ability to offer an array of development options to diversify the Town's housing stock.

While these changes pertain to new residential developments on undeveloped sites or underdeveloped sites, additional zoning recommendations propose low-impact ways to add small housing units into existing developed areas. (Refer to the Appendix A for a map of the areas in Wayland appropriate for housing). The Town approved a Mixed-Use Overlay District Development in 2008 and construction is complete for the redevelopment of the site into a 367,500 square foot mixed-use development with 42 market rate Town Homes and 12 units of affordable as "above the shop" rentals. The Town of Wayland received gifts payments from this development of over \$537,000 dollars that has been placed in the Housing Trust for the acquisition of Affordable Housing.

Surprisingly, these suggestions to allow higher density housing do not contradict the Town's growth management goals. First, impact per dwelling of smaller houses, multi-family dwellings,

and senior housing is lower than that for single-family housing in terms of water usage, traffic generation, and especially demands on the school system. Second, the Town should expect to see more high-density housing in the future, both through local bylaws and through comprehensive permits. By providing an attractive local permitting process for multi-family housing, the Town can negotiate for various benefits, such as protected open space, that it might not gain through the comprehensive permit process. Finally, the Town's goals are not to stop growth completely, but to manage the type, manner, and location of this growth. Consistent with these goals, the proposed housing options aim to reduce the number of single-family housing developments that provide no open space or affordable units, and increase the amount of housing that offers smaller units, affordable units, and protected open space as part of the development.

#### **Short Term Actions (1-2 Years)**

1. Adopt a Multi-Family Housing Conservation Cluster bylaw (*Planning Board, Town Planner, WHP, Conservation Commission, Conservation Administrator, Town Counsel*)
2. Modify the current Accessory Apartment Bylaw to make it easier to create such units (*Planning Board, Town Planner, WHP, Town Counsel*)
3. Allow housing on the upper floors of buildings within the Business A and Business B districts<sup>9</sup> (*Planning Board, Town Planner, WHP, Town Counsel*)
4. Develop guidelines for 40B projects that include target percentages of affordable units, inclusion of units with greater subsidies, affordability of condominium fees, maintenance of long-term affordability, and targeting the population such as Town residents, relatives of town residents, Town employees and others who work in Wayland, and others who would benefit from affordable units (*Town Planner, Building Commissioner, WHP, Town Administrator, Town Counsel, Planning Board, Zoning Board of Appeals*)

#### **Intermediate Term Actions (3-5 Years)**

Continue the previous strategies and

1. Adopt a zoning bylaw to allow increased densities in both residential and commercial developments in return for the creation of affordable housing units in designated areas or in exchange for affordable units in areas where there will be minimal environmental impact (*Planning Board, Town Planner, Conservation Administrator, WHP, Conservation Commission*)
2. Expand the Planned Development District and the Senior and Family Housing Overlay District (*Planning Board, Council on Aging, WHP, WMAHTF*)
3. Create a residential subdivisions fee-based special permitting process that allocates the fees to affordable housing development (*Planning Board, WMAHTF, WHP, Town Administrator, Town Counsel*)

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<sup>9</sup> Within the town centers, housing density can be regulated by the height and setback requirements already contained in the Zoning Bylaw. This will encourage the creation of housing units of various sizes, including smaller units. Flexible parking requirements could be specified for multi-family housing in the town centers. Because parking will probably be the limiting factor for build-out of town center sites, the bylaw could require applicants to demonstrate how much parking their project would need. This will provide an effective incentive for the developers to minimize parking demand for their project, either through the types of units proposed or other methods to reduce vehicle trips (such as shuttles, incentives for owning fewer cars, or local employment arrangements that allow residents to bike or walk to work).

#### **4. New Production Initiatives**

In addition to zoning changes to encourage the private sector to build desired types of housing, Town initiatives are also necessary to create affordable housing. Wayland's housing production approach relies on several major components.

##### **a. Infill housing (mixed-use and neighborhood-based)**

In addition to developing strategies for housing diversity on undeveloped parcels in Residence zones through zoning incentives, the Master Plan evaluated the potential for new housing in infill settings throughout the Town. Two appropriate locations for such housing were identified: in the town centers and existing neighborhoods. In the town centers, there is the potential to build smaller apartment units in mixed-use settings, such as is being planned for the redevelopment of the Raytheon property through the Mixed-Use Overlay District. This approach will not only expand local housing choices but also help enliven the town centers with minimum impact to surrounding neighborhoods. For these reasons, the Town will allow housing on the upper floors of buildings within the Business A and Business B districts and will establish a Design Review Committee to oversee design issues.

The Master Plan does not recommend allowing housing on the ground floor in these districts because there is relatively little land available for business uses in Wayland and the ground floor of buildings is prime space for retailers and restaurants. However, allowing housing on the upper floors of buildings may encourage redevelopment of underutilized properties in the town centers by providing a marketable and profitable use for upstairs space. This benefits not only local businesses but also the Town by contributing to the commercial and residential tax base. These policies would help local businesses by expanding the downtown customer base, especially at night and on weekends.

Infill housing that includes affordable housing should also be encouraged in existing neighborhoods. For example, such housing conforms well to the Habitat for Humanity model, building on donated public and private land. Area organizations that support special needs housing may have an interest in developing group homes in Wayland. There are also excellent models of small comprehensive permit projects in other communities that incorporate several income tiers to meet the housing needs of people from a wide range of incomes.

##### **b. Accessory housing units**

Within existing residential neighborhoods, new multi-family housing is generally not recommended because of concerns that it would alter the single-family character of most of Wayland's neighborhoods.<sup>10</sup> However, accessory housing units in existing neighborhoods provide an opportunity to diversify the Town's housing stock without noticeably changing the character of neighborhoods.

Accessory apartments (also known as in-law apartments) are small dwelling units typically within or attached to single-family homes, usually with a separate entrance. Frequently occupied by the parents, children, or other relative of the main house residents, these apartments can provide a low-density affordable housing alternative for households that might otherwise not be able to afford to live in Wayland. For example, some seniors on fixed incomes might find it

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<sup>10</sup> However, in certain situations, it may be appropriate.

beneficial to move to the smaller accessory apartment and rent out the larger portion of the house.

Currently, Wayland's zoning bylaw allows accessory apartments by special permit from the Planning Board, subject to certain restrictions. While the 2005 Comprehensive Housing Plan suggested ensuring that accessory apartments meet state requirements for inclusion in the SHI, changes to the state's Local Initiative Program have made this more difficult in that (1) all tenants must be chosen from a pre-approved and lottery-ranked Ready Renters List, (2) the property must include deed restrictions, and (3) family members are no longer eligible as occupants.

This Plan proposes that the affordability requirements in the existing bylaw be revisited and alternatives explored, such as Wellfleet's model that requires income verification of tenants but not deed restrictions. The Town should rewrite the zoning bylaw to encourage accessory dwellings as a low-impact form of affordable housing in Wayland without requirements that the units be included in the SHI.

#### **c. Property acquisition**

This Plan also includes the strategy of purchasing land and offering it, through the RFP process, at a substantially discounted or nominal value (with deed restrictions in perpetuity) for the development of affordable housing. If rental units are built, the housing would be managed by the project sponsor (or potentially the Wayland Housing Authority) to ensure that the dwellings remain affordable and available to qualifying households. If homeownership units are built, the deed restrictions would be monitored and enforced.

Because Wayland has relatively little buildable land available for the Town to purchase, the Town can pursue and utilize tax title properties with development potential. The Town will develop a plan for the reuse of tax title properties.

Furthermore, when considering the purchase of land for open space preservation, the Town should determine whether and how part of the site can be used for affordable housing. In addition, the Town should explore purchase options if the federal government should decide to dispose of land, whether vacant or improved with housing units, as with the former Nike site. Also, the Town should identify federal land that would support affordable housing development and seek to have it declared as surplus. One potential opportunity may be the military housing at Launcher Way that includes twelve relatively small slab houses. These homes might be acquired and sold to first-time homebuyers through a locally-sponsored buy-down initiative.

#### **d. Conversion of existing housing (and other buildings) to affordability**

Another strategy is to purchase existing housing units as they come on the market, with particular attention to multi-family housing or other units that are among the more affordably priced. The Town should evaluate "buy-down" or mortgage assistance programs adopted by other communities to determine which program(s) would suit Wayland.

In addition, there are other buildings that might be re-developed to provide affordable housing. If, for example, the Town department offices move to another location, the site might be used to

create affordable housing. Residences and other buildings associated with houses of worship offer the potential for affordable housing use. The benefits and detriments of converting existing commercial property to affordable housing use also merits evaluation on a case-by-case basis.

**e. Increase numbers of affordable units within developments**

The Town, through the WMAHTF or otherwise, might incentivize developers of proposed housing developments in Wayland to exceed the required percentage of affordable units by providing subsidy to the project.

**f. Pursue adaptive reuse**

The Town should explore opportunities for converting existing underutilized properties and nonresidential properties into affordable or mixed-income housing, as it is pursuing with the River's Edge project (see update below). The reuse of abandoned, underutilized, or obsolete property would enable Wayland to direct growth toward already developed locations.

**Short Term Actions (1-2 Years)**

1. Provide gap financing to make projects feasible and secure necessary financing from state and federal agencies and private lenders (*WMAHTF, WHP, CPC*)
2. Utilize available financial resources and participate in programs such as the State's Soft Second Loan program, the HOME program consortium or other program, and other sources to develop rental housing (*WMAHTF, WHP, Selectmen*)
3. Purchase land or deed restrictions for development of affordable housing (*WMAHTF, CPC, Selectmen, WHP*)
4. Continue thorough reviews of 40B projects:
  - Meet with developers before they submit proposals to the ZBA
  - Review pro forma statements to evaluate density and reasonable profit
  - Negotiate for related infrastructure improvements
  - Obtain MHP technical review funds to help with review of the proposal (e.g., financial statements, site design)(*WHP, Planning Board*)
5. Identify and implement appropriate structure and uses of "buy-down" of existing houses program (home ownership and rental properties possible) (*WMAHTF, WHP, Planning Board, CPC*)

**Intermediate Term Actions (3-5 Years)**

Continue the previous strategies and

- Inventory Town-owned property to determine jurisdiction, potential suitability for and number of affordable units, potential suitability for municipal uses (*WRAP Committee; Selectmen; all Boards, Committees, and Departments*)
- Identify sites and develop affordable housing on Town-owned land (*WMAHTF, WHP, Economic Development Committee, CPC, Selectmen, Town Surveyor, Town Planner*)
- Work with organizations like Habitat for Humanity and Minuteman Technical High School, among others, to develop affordable housing on scattered sites in existing neighborhoods (*WMAHTF, WHP, Planning Board*).

### Update on River's Edge (July 2016)

Wayland will soon increase its affordable housing stock by 188 units with a proposed new development at "River's Edge," located at 489-490 Boston Post Road on Route 20 near where it crosses the Sudbury River. The recent success of the River's Edge development initiative can be traced back to 2010 when the Wayland Master Plan Review Advisory Committee came up with two suggestions that proved to be interconnected. One was to identify more town-owned land that would be suitable for potential affordable housing. The other suggestion was to create an Economic Development Advisory Committee (EDC). The EDC, consisting of volunteer residents with careers in real estate development, quickly identified 8.24 acres of underutilized land, an abandoned septic treatment plant at the Sudbury River.

At the 2014 Annual Town Meeting, the Town approved a zoning overlay district on the River's Edge parcel. This had been a long process, which has included securing \$360,000 in funds to review and plan for River's Edge at the 2012 Town Meeting; completing the thorough review; narrowly failing to pass the zoning overlay district at 2013 Town Meeting 2013 (7 votes short of the 2/3 required in favor). Finally, after reducing the number of units and lowering building height limitations, the zoning article passed in 2014. Its density equates to 23 units per acre. With the zoning in place, River's Edge is now a by-right development and the expedited permitting process is a unique model for municipal redevelopment.

Now that two qualified developer proposals are in hand, the process includes interviews and opening price proposals in early August 2016 through committee evaluation, award by the Board of Selectmen, signing the contract, developer's due diligence review, issuance of building permit, real estate closing, and finally completing construction, with the target end date between September 2019 and March 2020.

This development represents a giant leap forward in achieving Wayland's goal of 10% affordable housing. It realizes significant financial benefits to the Town from the disposition and redevelopment of the property and facilitates rental, affordable housing, and senior housing opportunities in the Town through the construction of a first-class rental housing development, the design of which is well integrated into and compatible with the Town's design goals.

Because the Town has put so much stock in the River's Edge development, the construction of other 40B rental projects poses a real threat to the Town's financial success by draining off market demand for units as were anticipated in the market studies conducted by the Town.

## IV: Affordable Housing Inventory

### Affordable Housing Defined

The term “affordable housing” does not have a single definition, so we typically refer to the maximum income a household can have in order to qualify for rental housing or home ownership programs. Typically, housing is considered affordable if a household pays no more than 30% of its income toward housing costs. Affordable housing can either be subsidized (i.e., a resident pays 30% of their income for rent and the government subsidizes the rest) or self-pay (i.e., the rent is lower than market rate and the tenant pays the lower rent). Examples of subsidized housing are public housing units and Section 8 vouchers to pay a portion of the market rent.

The term “low-income” housing generally refers to housing that is affordable to households earning up to 80% of Area Median Income (AMI). According to HUD, Wayland is located in the Boston-Cambridge-Quincy Primary Service Area (PSA) for purposes of calculating affordable income limits, rents, and homeownership prices. A household qualifying at 80% of AMI in the Boston-Cambridge-Quincy PSA could earn no more than \$53,900 for a two-person household or \$67,350 for a four-person household. “Very low-income” housing is typically affordable to qualifying households earning no more than 50% of AMI; that would be \$37,800 for a two-person household or \$47,200 for a four-person household. These two income levels – 50% and 80% of AMI – are used in 40B projects (MHP, 2014). **Table 28** shows the 2013 income limits for households in Wayland by household size.

Table 33

Income Limits for Affordable Housing in Wayland, 20xx						
Area Median Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
<b>30% AMI</b>	\$19,850	\$22,650	\$25,500	\$28,300	\$30,600	\$32,850
<b>50% AMI</b>	\$33,050	\$37,800	\$42,500	\$47,200	\$51,000	\$54,800
<b>60% AMI</b>	\$39,660	\$45,360	\$51,000	\$56,640	\$61,200	\$65,760
<b>80% AMI</b>	\$47,150	\$53,900	\$60,650	\$67,350	\$72,750	\$78,150
<b>110% AMI</b>	\$72,710	\$83,160	\$93,500	\$103,840	\$112,200	\$120,560

**Table 29** provides the maximum allowable rents for affordable housing in Wayland in 2013. It shows, for example, that the monthly rent of a one-bedroom unit in Wayland that is affordable to households earning no more than 80% AMI cannot exceed \$1,263. The rents listed below assume that the landlord pays all utilities.

Table 34

Maximum Allowable Rents for Affordable Housing in Wayland, 20xx						
# Bedrooms	SRO	Studio	1 Br	2 Br	3 Br	4 Br
<b>30% RENT</b>	\$372	\$496	\$531	\$637	\$736	\$821
<b>50% RENT</b>	\$619	\$826	\$885	\$1,062	\$1,227	\$1,370
<b>60% RENT</b>	\$743	\$991	\$1,062	\$1,275	\$1,473	\$1,644
<b>80% RENT</b>	\$883	\$1,178	\$1,263	\$1,516	\$1,751	\$1,953
<b>110% RENT</b>	\$1,362	\$1,817	\$1,948	\$2,337	\$2,700	\$3,014

**Table 30** shows Fair Market Rents (FMR) for Wayland in FY2013. These rents are used for several purposes, including determining the amount of contract rent used for the Housing Choice Voucher program (commonly known as the Section 8 Mobile Voucher program), i.e., the amount of rent a landlord can charge for a unit occupied by a tenant with a mobile voucher. The tenant pays one-third of their income toward rent and the federal government pays the balance to the landlord. Some communities located in high wealth areas may be able to charge 110% or 120% of FMR, whereas other communities of lower wealth may not be able to charge the full amount, if it is less than market rate rents.

**Table 35**

<b>Fair Market Rents (FMR) for Wayland, 20xx</b>					
	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
	<b>Bedroom</b>	<b>Bedroom</b>	<b>Bedroom</b>	<b>Bedroom</b>	<b>Bedroom</b>
<b>FMR</b>	\$1,035	\$1,156	\$1,444	\$1,798	\$1,955

### **Chapter 40B**

Massachusetts enacted General Laws Chapter 40B in 1969 to “help address the shortage of affordable housing statewide by reducing unnecessary barriers created by local approval processes, local zoning and other restrictions” (Citizens' Housing and Planning Association, 2009). Known as the “Comprehensive Permit Law,” Chapter 40B has streamlined the permitting process for low- and moderate-income housing projects by allowing developers to apply for a single permit (a “comprehensive permit”) from a municipality’s Zoning Board of Appeals (ZBA) instead of having to obtain approvals from numerous boards. In addition, Chapter 40B can allow developers of 40B projects to circumvent local zoning in communities where less than 10% of their housing inventory is categorized as affordable.

To qualify for 40B, projects must meet certain criteria. For example, typically at least 25% of units must be affordable to households earning at or below 80% of AMI or 20% of units must be affordable to households earning at or below 50% of AMI (Citizens' Housing and Planning Association (CHAPA), 2009). The affordability restrictions must run with the property for at least 30 years.

### **Subsidized Housing Inventory (SHI)**

Wayland currently has 257 affordable units that meet the state’s requirements for inclusion in the SHI, helping Wayland strive toward the state’s 10% affordability goal. This means that 5.20% of Wayland’s 2010 year-round housing stock of 4,957 units is defined as affordable, leaving a current gap of 239 units that are needed to reach the 10%. The community has approximately 191 projected affordable units in proposed developments that would push Wayland beyond 9%. The River’s Edge project accounts for 188 units of multi- family rental housing utilizing Town-owned land.

Over the past decade, Wayland has made important strides in building its capacity to become more proactive in the area of affordable housing. For example, in 2001, voters passed the Community Preservation Act to provide financial resources for producing, preserving, and supporting affordable housing, in addition to promoting open space and historic preservation. CPA funds and other money earmarked for affordable housing creation has been consolidated into the Wayland Municipal Affordable Housing Trust Fund. Payments made in-lieu of

providing fractional affordable housing units under inclusionary zoning, for example, have been and will continue to be deposited in the Trust fund, as would grant funds received by the Town. In addition, the Town has encouraged voluntary contributions of land on which to place affordable housing, donations of homes (e.g., at a reduced price), and monetary donations through a strong advocacy program for affordable housing.

The Town has also made progress on producing new affordable units. Since 2005, the Town has added 47 units to the SHI:

Project	Total Units	SHI Count
Nike/Oxbow	16	11
Wayland Gardens	12	3
Wayland Commons	44	11
Sage Hill	8	1
Charles River Ctr	5	5
Post Road Village	16	4
Wayland Ctr Res	12	12

The Residences at 89 Oxbow is the most striking example of Wayland’s efforts to produce affordable housing. This project involved the redevelopment of a former Nike missile site – which the Town acquired from the federal government – into 16 affordable and workforce condominiums.

### State Public Housing

#### Federal Public Housing

Federal public housing refers to public housing that is built with 100% federal (HUD) funds. These dwellings are subject to federal regulations and receive annual operating subsidies from HUD as well as modernization funds for capital and management improvements as they age. Under current regulations, 75%-85% of new vacancies must be made available to households with income less than 50% of AMI, with the balance limited to households whose income is no more than 80% of AMI. Tenants typically pay 30% of their monthly adjusted income in rent. (Monthly adjusted income is annual income minus allowed deductions.)

#### Wayland Housing Authority

The Wayland Housing Authority (WHA) was created under M.G.L. Chapter 121B as a public authority to provide safe and sanitary housing to the Town of Wayland. Since its incorporation in 1970, it has assisted in the creation of numerous affordable housing units, managed several of the Town’s developments, and administered rental assistance programs. A preference for local residents, broadly defined, is included for all WHA programs. The WHA has an annual agency plan that describes the mission of the WHA and its long-range goals and objectives for achieving this mission. All of the WHA’s programs are governed by federal laws and regulations through HUD; none of the WHA units or programs are state-funded. **Table 31** summarizes the current WHA-managed low-income public housing units in Wayland.

Table 36

Wayland Housing Authority Public Housing Units, 2010

Location	Units	Type	Income Range	Waiting Time
Bent Park	56 (4 units barrier-free for disabled)	<sup>11</sup> Elderly/Disabled Low-Income Public Housing	80% area median income limits	Approx. 2 to 3 Years
Cochituate Village Apartments	55 (4 units barrier-free for disabled)	Elderly/Disabled Low-Income Public Housing	80% area median income limits	Approx. 3 to 5 Years
Family Scattered sites	25 (15 single-family homes and 5 two-family homes; 1 barrier-free unit)	Family Low-Income Public Housing	80% area median income limits	Approx. 3 to 5 Years

*Source: Wayland Housing Authority*

In addition to providing housing, the WHA also provides rental subsidies to low-income families through the administration of two programs: 53 HUD Section 8 Rental Housing Vouchers and 25 Family Self-Sufficiency (FSS) Section 8 Vouchers designed to help families to become self-supporting so they no longer need housing assistance. Table 32 summarizes the current rent ceilings allowed under HUD Fair Market Rents schedule for Wayland and the Boston area.

Table 37

Wayland Housing Authority Section 8 Payment Standards, 2010 (Includes Utilities)				
0 BR (Studio)	1 BR	2 BR	3 BR	4 BR
\$1,090	\$1,156	1,357	\$1,623	\$1,783

*Source: Wayland Housing Authority*

**Development Through Public-Private Partnerships**

In addition to housing provided and managed by the Housing Authority, the Town of Wayland has increased the supply of affordable housing by utilizing public-private partnerships and using Chapter 40B to waive certain zoning requirements.

In all cases, homebuyers were selected through a lottery and affordability was preserved in perpetuity through a DHCD-provided deed rider restricting the resale price. Some projects have been approved independent of the 40B process even though they included affordable units. Of the total 216 affordable units, 29 (13%) involve new homeownership opportunities for first-time purchasers, the remainder are rentals.

Table 33 summarizes housing that qualifies as affordable under Chapter 40B and are eligible for inclusion in the SHI and more descriptive information follows..

Table 38

Chapter 40B Qualifying Subsidized Housing Inventory			
Location	Agency/Program	Type of Units	SHI Units
Bent Park	HUD/WHA	Elderly/Disabled Public Housing Rentals	56
Cochituate Village Apartments	HUD/WHA	Elderly/Disabled Public Housing Rentals	55
Scattered Site Housing	HUD/WHA	Low-income Family Housing Rentals	25
Plain Road	DHCD/Private developer	Homeownership	1
Millbrook	DHCD/Private developer	Homeownership	2
Willow Brook	DHCD/Private developer	Homeownership	6
Paine Estate/ Greenways	DHCD/Private developer	Homeownership	5
Commonwealth Residences*	MHP/Private developer	Rental	52
89 Oxbow (former Nike site)*	DHCD/Private developer	Homeownership	11
Wayland Gardens*	FHLBB/Private developer	Homeownership (SHI list has this as rental)	3
Craftsman Village	Private		2
<b>Total Chapter 40B Qualifying Housing Units</b>			<b>218</b>
<i>Source: Wayland Housing Authority. * Used Chapter 40B comprehensive permit</i>			

### 1. Millbrook

In 1995, the Wayland Housing Associates, Inc. (WHA) built a duplex providing two (2) units of affordable housing on donated town land on Millbrook Road. Preference was given to local residents, purchased by first-time homebuyers.

### 2. Willowbrook

In 1997, six (6) affordable housing condominium units at Willowbrook (originally approved 1987) were sold to first-time homebuyers. Three (3) units were sold at \$86,000 and three (3) were sold at \$95,000.

### 3. Paine Estate / Greenways

This was approved as an overlay district and received a special permit. In 1999, four (4) affordable units and one (1) unit for a Town employee were built on land purchased by the Town of Wayland. The units were sold to first-time homebuyers. Four (4) affordable units were sold for \$100,000 and one (1) unit to a Town employee for \$175,000. The Town of Wayland is

working toward adding 12 units of assisted living to the SHI as originally contemplated under the special permit.

#### 4. Plain Road

In 1999, the Town of Wayland purchased 130 Plain Road and an abutting parcel for conservation and housing purposes. The WHAI was awarded the development rights and built an affordable single-family house for a first-time homebuyer on the site. In collaboration with Minuteman Technical High School, vocational students built the house as a classroom project and community service.

Under the 2005 Comprehensive Plan, the Town identified a policy and process for encouraging 40B developments. Since submitting the 2005 Plan to DHCD, the following developments have utilized the comprehensive permit process.

#### 1. Wayland Gardens

Three (3) homeownership units for first-time homebuyers were built at 236 Commonwealth Road. The two-bedroom units have 2,100 square feet of living space and sold for \$166,000. The lottery was held in July 2009 and the project is completely occupied. We note that as of January 27, 2014 these units have not been added to the SHI.

#### 2. Commonwealth Residences

The Commonwealth Residences development includes 56 two-bedroom apartments on an 18.1-acre parcel and will include 14 affordable units. The development is currently under construction. The development was recently sold and construction is expected to begin shortly.

#### 3. 89 Oxbow

The residences at 89 Oxbow involved the redevelopment of a former Nike missile site, which the Town of Wayland acquired from the federal government. Through the “friendly” 40B process offered by the state’s Local Initiative Program (LIP), sixteen (16) units were created for first-time homebuyers, eleven (11) for those earning at or below 80% of area median income and sold for between \$161,834 and \$178,133, and five (5) for those earning between 80% and 100% of the area median income priced between \$216,759 and \$239,213. The project incorporated both smart and green design innovations including solar panels and Energy Star Plus features.

#### 4. Wayland Commons

This 44-unit project is located on Route 27, just north of the Town Center. All of the units have two-bedrooms. Eleven (11) of the homes are affordable and have been included in the SHI.

#### 5. Wayland Forest

At 137 Boston Post Road across from Lee’s Farmstand, this development added sixteen (16) total condominium units, four (4) of which are affordable.

Comprehensive permits for the following developments have been approved but the projects are not yet included in the SHI.

1. Craftsman Village [formerly Tripolis]

This development off of Old Connecticut Path includes eight (8) condo units, two (2) of which will be affordable and eligible for the SHI. The project was recently purchased by Craftsman Home and received final MassHousing approval in July 2014. The project is under construction.

2. Sage Hill

One (1) affordable unit has been built off of Concord Road as part of the Sage Hill development pursuant to the inclusionary zoning bylaw.

**Proposed or Pending Developments**

Wayland is in the process of working on several developments that are likely to include affordable housing and may potentially add almost another 100 units to the SHI. These projects include the following:

1. Michael Road Extension

An affordable unit is proposed off of Michael Road, under the inclusionary zoning bylaw. The road has been constructed and development of the one unit is expected to begin in fall 2015.

2. Town Center Project

Through the approved Mixed-Use Overlay District, the developer is constructing a mixed-use village in the Town Center. Although the original concept was to build 88 condominium units in combination with commercial space, including the development of Stop & Shop and 12 affordable rentals above additional retail space, the developer is constructing 42 market-rate townhomes and is making a \$537,000 contribution for affordable housing to the Wayland Municipal Affordable Housing Trust Fund. The rental units have been completed.

3. Doran Road/Dudley Pond

The Town owns approximately seven (7) acres on Dudley Pond through tax foreclosure and land that was gifted to the Town for recreation purposes. The Town formed a Dudley Area Advisory Committee and, following two years of study, the Town voted to put the land in conservation. There is a commitment to purchasing three units off-site and making them affordable as part of this transaction.

4. Stonebridge Road

The Town owns three (3) acres on Stonebridge Road on which it anticipates building four (4) townhomes: 2 three-bedrooms, 1 two-bedroom, and 1 four-bedroom. Town Meeting approved the conveyance of the property to Habitat for Humanity to construct the homes. Two of the units are complete and occupied as of early 2016, the other two are under construction. In addition to donating the land, the Town has committed \$350,000 in CPA funds to the development.

5. Covered Bridge: Off-site Units

The Town has negotiated 3 rental units on Rice Road with the developer of the 14 unit Covered Bridge residential project off of Rice Road, to satisfy the requirements of the inclusionary zoning bylaw.

6. Group Home

A group home was completed off of Boston Post Road that counts as five (5) units (each bedroom in a group home can count as a separate unit) for special needs individuals. The sponsoring agency is the Charles River Association for Retarded Citizens.

7. Rivers Edge

An 8.24 acre parcel of land along Route 20, with views of the Sudbury River, was approved by Town Meeting in 2014 for development of an apartment community containing between 150 – 190 rental units. The property is being offered in a bid process to private developers by the Town, with zoning and other significant regulatory approvals already established.

The Town has worked on the pre-development process for this site for almost three years and has established parameters for the number of dwelling units, the quality of design and construction and preferences for affordable and senior housing that provide flexibility to the developer and a project that meets the desires and needs of the Town of Wayland. Work by the Town includes environmental investigations, wetlands, traffic, water, sewer/septic/utilities and other key factors. All of the units in the project will eventually count toward the Town's SHI. The Town has formed a committee to work on the disposition of the land to a third party developer. It is anticipated that the RFP will be issued in August of 2015.

## V: Current Regulations for Affordable Housing

Prior to the 2005 Annual and Special Town Meetings, Wayland's zoning framework offered virtually no opportunity to build housing types other than single-family at a moderate to low density.<sup>12</sup> Based on recommendations of the Town's 2004 Master Plan, the Town adopted zoning that reduced the minimum tract size to qualify for a conservation cluster development and allowed for the construction of attached housing units within conservation cluster developments. The Town has also made progress by adopting an inclusionary zoning bylaw and a Mixed-Use Overlay District, both providing important boosts to promoting housing diversity in Wayland, including affordable housing.

Some of Wayland's bylaws that are intended to encourage development of affordable housing have not been used effectively; others are project-specific but could be used as models for new developments. In addition, the state has laws and regulations that can be used to encourage additional development.

### Wayland Zoning Bylaws and Regulations

#### Accessory Apartment Bylaws

Wayland's zoning bylaw allows accessory apartments under two sections, one as of right under specific criteria and the other for affordable housing by special permit from the Zoning Board of Appeals, subject to certain restrictions. Accessory apartments (also known as in-law apartments) are small dwelling units typically within or attached to single-family homes, with a separate entrance, often but not always used by the parents, children, or other relative of the occupants of the house. In-law apartments can provide a low-density affordable housing alternative for households that might otherwise not be able to afford to live in Wayland.

As part of an ongoing effort to meet a variety of housing needs, in 1989 the Town of Wayland amended the existing bylaw to ease two requirements for homeowners willing to contract with the Wayland Housing Authority (WHA) to rent to persons of low-income: allowing an accessory apartment in a home on a lot as small as 15,000 square feet and eliminating the requirement that the principal residence have existed for two years.

There are now two avenues for a homeowner interested in renting an accessory apartment:

- **Non-WHA Program**: Create an accessory apartment using the original bylaw and rent it privately. This requires a 20,000 square foot lot and a principal residence in existence for two years.
- **WHA Program**: Create an accessory apartment using the revised bylaw and rent it through the WHA to low-income tenants. This requires (1) a 15,000 square foot lot but no preexisting residence requirement and (2) an agreement with the WHA to rent to a low-income person or family for a period of at least 10 years.

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<sup>12</sup> Although other types of housing are allowed in the Planned Development District and the Senior and Family Housing Overlay District, there is no buildable land remaining in these districts.

### **Senior and Family Housing Overlay District**

The Senior and Family Housing Overlay District is located at Cochituate Road and Green Way. The district allows multi-family condominium dwellings and apartments for families and individuals 55 and older by special permit from the Planning Board. For a property to be eligible, a minimum of 20 acres is required. At least 40% of the development must be designated open space and a 50-foot perimeter buffer is required around the entire development. All of the land located in this district was permitted as a single project, "Traditions of Wayland" (Paine Estates). The development includes a 76-unit assisted living facility, a 24-unit independent living senior housing complex, and 17 single-family dwellings, all located on 26 acres of land.

### **Cluster Zoning Provisions**

The Conservation Cluster Development Bylaw offers an alternative development method in any of the Single Residence District. The district seeks to promote more efficient use of land in harmony with its natural features by allowing residential development to be "clustered" on one portion of a tract in exchange for setting aside open space on the remainder of the tract. A Conservation Cluster Development requires a special permit from the Planning Board.

Allowed density in a Conservation Cluster Development equals the maximum allowed density of a conventional subdivision in the underlying district, plus a 10% density bonus. As recommended in the 2005 Comprehensive Housing Plan, the minimum tract size for a Conservation Cluster Development was reduced from ten (10) acres to five (5) by a 2005 Annual Town Meeting vote. Town Meeting also approved the use of multi-family buildings not exceeding four (4) units per building within the Conservation Cluster Development. Within the development, the minimum lot area and frontage requirements are reduced to 20,000 square feet and 50 feet, respectively. The minimum building setback is 15 feet. At least 35% of the site must be set-aside as open space; however, for developments with attached housing 50% of the site must be set-aside as open space.

Until recently Wayland's Conservation Cluster Development Bylaw has been little used, with the only completed developments being on Concord Road, at Concord Road Extension (Early Bird Lane) and nearby at Lincoln View Estates. Since January 2005, the Planning Board has approved two conservation cluster subdivisions totaling 11 lots (Michael Road Extension and Sage Hill) and a third development of 16 units (Covered Bridge). Although there are no specific provisions requiring the inclusion of affordable housing, projects of six (6) or more units are subject to the inclusionary zoning bylaw.

### **Planned Residential Development District**

The Planned Residential Development District is located on both sides of Rice Road in the southeastern section of Wayland. The Town has issued permits for planned developments for all the land in this district; most of it has been built and is currently occupied. Allowed and special permit uses are the same as in the Single Residence District. In addition, the district gives the Zoning Board of Appeals the authority to grant a special permit for multi-residence and detached-unit condominium developments. The district also includes provisions for convenience retail and service establishments up to 2,000 square feet.

To apply for a Planned Development special permit, at least 40 contiguous acres are required. At least 70% of the area of a planned development site must consist of public land and private open

space, and at least 35% of the area of a planned development site must be public land. The Bylaw also limits the amount of land that can be occupied by structures, parking, roadways, patios, and storage areas. Maximum density is based on the acreage of the development tract, less any wetlands, multiplied by a predetermined density factor. The bylaw also limits the number of detached dwelling units to 20 percent of the total units. Finally, the Planned Development special permit includes a provision requiring 10% of the units be set-aside for low-income families and 5% for moderate-income families but without density bonuses to create these units. However, this affordable housing provision does not apply to the existing and already permitted developments, and new developments of six (6) or more units are already subject to inclusionary zoning.

### **Inclusionary Zoning**

For the 2005 Special Town Meeting held on May 3, 2005, the Planning Board proposed an Inclusionary Zoning Article, which Town Meeting approved. The purpose of the Article was to increase the supply of housing in the Town of Wayland that is available to and affordable by low- and moderate-income households that might otherwise have difficulty in finding homes in Wayland. The approved Inclusionary Zoning Bylaw requires one (1) affordable unit to be constructed for every six (6) market rate units. Developments of fewer than six (6) units are not subject to the bylaw.

In order for units to count toward the Town's Chapter 40B affordable housing inventory, units must be affordable to families earning no more than 80% of the area median income. The construction of affordable housing allows for Town employees, recent graduates, or senior citizens on a fixed income to reside in Wayland. The Inclusionary Zoning Bylaw requires that the affordable units have a deed restriction, which will run with the property and limit resale price in order to ensure that the designated affordable units remain affordable for as long as is legally possible.

The Bylaw also allows for the payment of a fee in lieu of the construction of the affordable unit. The payment-in-lieu of construction fee was established in order to require the payment of a fee in situations where the construction of an affordable unit is not practical due to site conditions. The fee, based on the construction cost of the affordable unit and the proportional value of the land, is used by the Town to provide affordable housing.

The Planning Board has approved several projects under this bylaw.

## **VI: Housing-Related Boards and Committees**

There are a number of existing governmental and non-governmental groups willing to participate in and support the Town's housing efforts.

### **Wayland Housing Authority**

The Wayland Housing Authority (WHA) was created under M.G.L. Chapter 121B as a public authority to provide safe and sanitary housing to the Town of Wayland. Since its incorporation in 1970, it has managed the Town's public housing developments, administered rental assistance programs, and assisted in the creation of affordable housing units. In the 1970s, the WHA converted a school building into 56 housing units (due to regular flooding, one unit was moved offline and serves as a maintenance shop), constructed a 56-unit apartment complex, and brought into service 25 units of scattered-site, family housing. All of the WHA's programs are under federal jurisdiction (i.e., none are state-funded or state-regulated). A broadly-defined preference for local residents is included in all WHA programs. The WHA has a current agency plan regarding its mission and strategies.

### **Wayland Housing Partnership**

The Wayland Housing Partnership (WHP) was formed in 1984 when Wayland became a Partnership Community under Chapter 40B. Until recently, the WHP was primarily a "reactive" committee, charged with working with developers who approached the Town with concepts or proposals for housing construction contemplated under Chapter 40B. In 2004, the Wayland Board of Selectmen expanded and recast the WHP charge to lead and support efforts to meet the affordable housing needs of Wayland.

The WHP works proactively to

1. Develop affordable housing action plans based on housing needs studies
2. Establish criteria to evaluate affordable housing proposals
3. Make recommendations on the pros and cons of particular housing proposals
4. Identify local, state, and federal housing resources to further affordable development
5. Identify available land suitable for development
6. Review land use regulations and zoning bylaws
7. Identify and work with developers of affordable housing,
8. Increase public awareness of affordable housing needs and goals through forums and other public events.

The WHP consists of nine members representing the WHA, Planning Board, Conservation Commission, School Committee, Wayland Clergy Association, Board of Selectmen, and community at large.

### **Wayland Municipal Affordable Housing Trust Fund**

The Wayland Municipal Affordable Housing Trust Fund was established by a vote of the 2014 Annual Town Meeting and charged by the Board of Selectmen to "provide for the creation and preservation of affordable housing in the Town of Wayland for the benefit of low and moderate income households." In accordance with state law, the Board of Selectmen appoints the Trust's

seven trustees, including at least one member of the Board of Selectmen, with the trustees reflecting geographical diversity and with preference given to a member of the WHA, WHP, and Planning Board. The trustees are to include a real estate attorney and a person with experience in financial management.

### **Wayland Housing Associates, Inc.**

No longer in operation, the local nonprofit Wayland Housing Associates (WHA) built two LIP units of affordable housing on Millbrook Rd and one unit on Plain Rd for first-time homebuyers.

### **Wayland Community Preservation Committee**

Wayland adopted the Community Preservation Act (CPA) in 2001 to establish a 1.5% surcharge on local property taxes which, together with a state match, is used for open space protection, historic preservation, “community” housing for low- and moderate-income people, and some recreational purposes. At least 10% of the CPA funds is allocated to each of the three required uses of open space protection, historic preservation, and community housing, while the remaining 70% may be allocated for any of the three categories or for active recreation, at the Town’s discretion.

The Community Preservation Committee (CPC) evaluates potential community preservation projects and makes recommendations to Town Meeting for the use of CPA funds. The Committee has prepared a list of responsibilities and criteria for evaluating proposals for the expenditure of Community Preservation Funds. The Committee consists of seven members including representatives from the Conservation Commission, Historical Commission, Planning Board, Park and Recreation Committee, WHA, and two members at large appointed by the Board of Selectmen.

### **Fair Housing Committee**

The Wayland Fair Housing Committee is charged with facilitating equal access to housing regardless of race, color, age, sex, religion, national origin, sexual orientation, veteran status, disability, welfare status, or children. Complaints about housing discrimination may be made to the Fair Housing Committee through the Fair Housing Officer. There have been no complaints in recent years. Please see Exhibit 2 for the Town of Wayland Fair Housing Recommendations.

### **Wayland Council on Aging**

The Council on Aging (COA), a nine-member appointed board, promotes and enhances the quality of life for older Wayland citizens and their families. The COA provides Wayland senior citizens with a full range of services and programs for socialization, nutrition, education, and opportunities for creativity and health promotion. The COA provides outreach to those elders who, due to physical and/or cognitive impairments, are unable to participate in Senior Center programs. The COA’s Senior Property Tax Relief Committee seeks ways to make it possible for seniors to continue to live in Wayland, including looking for affordable housing options.

### **Wayland Interfaith Housing Network (WIHN)**

WIHN is an informal group with representatives from Wayland’s houses of worship. WIHN promoted and assisted with the development of affordable housing, particularly the Millbrook duplex. Although the WIHN has been inactive in recent years, it could be reactivated if presented with a specific opportunity.

## Glossary of Terms

**Accessory Apartment** — An “additional set of living facilities with permanent provisions for living, cooking, and sanitation, located in a single residence dwelling or an accessory building,” created and rented in accordance with the Accessory Apartment Bylaw. For homeowners willing to contract with the Wayland Housing Authority (WHA) to rent to persons of low-income, the Affordable Accessory Apartment Bylaw allows an accessory apartment in a home on a lot as small as 15,000 square feet.

**Affordable Housing** — Housing with costs at or below 30% of a household’s annual income.

**Alternative Housing Voucher Program (AHVP)** — A state-funded rent-subsidy program regulated by DHCD for people with disabilities under age 60 who are on waiting lists for public housing.

**American Community Survey (ACS)** — A survey prepared and conducted by the US Census that estimates population, housing, social, and economic statistics in the years between the decennial censuses.

**Americans with Disabilities Act (ADA)** — Federal law enacted in 1990 that requires public agencies to operate programs, including and for the purposes of this Plan, housing programs in ways that make them accessible to and that do not discriminate against persons with disabilities.

**Area Median Income (AMI)** — Midpoint in the family-income range for a metropolitan statistical area or for the non-metro parts of a state.

**Community Development Block Grant (CDBG)** — Sums of money granted by the federal government to a regional government with only general provisions as to the way it is to be spent. Block grants fund activities such as affordable housing, anti-poverty programs, and infrastructure development.

**Chapter 40B (“Comprehensive Permit Law”)**—The Commonwealth’s comprehensive permit law, enacted in 1969, that established an affordable housing goal of 10% for every community. Chapter 40B enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions.

**Chapter 121B** — Massachusetts law that permits cities and towns to establish redevelopment authorities, subject to DHCD approval, to redevelop blighted or slum areas, carry out urban renewal projects, and become eligible for URDG funds.

Chapters 167 & 689 — State public housing programs administered by Local Housing Authorities (LHAs) that provide rental housing with specialized services for low-income persons with mental health conditions, intellectual disabilities, or physical disabilities.<sup>13</sup>

Chapters 200 & 705 — State public housing programs administered by LHAs that provide rental housing for low-income families.<sup>14</sup>

Co-Housing — A hybrid form of housing that combines private and communal forms of living. Residents occupy individual, complete living units, but may share additional kitchen, dining, and recreational facilities with other residents. Ownership and design may take a variety of forms.

Commonwealth Capital — A program that combines a number of state discretionary grant programs under a set of common guidelines designed to encourage development that is consistent with the Commonwealth's sustainable development principles. In addition to evaluating each grant application on how well the proposal will promote smart growth, the Commonwealth also scores each grant application based upon the degree to which the community is using its bylaws and programs to promote smarter growth and affordable housing.

Community Development Corporation (CDC) — A type of community-based organization engaged in local housing and economic development activities.

**Community Preservation Act (CPA)** — M.G.L. Chapter 44B, a state law that established the means by which communities could vote to impose a surcharge of up to 3% on real property taxes to fund local preservation of historic resources, open space, and community housing, as well as some recreation purposes; there are also provisions for a state fund that issues matching funds to the participating communities. Wayland adopted the CPA with a 1.5% surcharge, with revenues held in the Community Preservation Fund.

**Community Preservation Committee (CPC)** — Wayland's Community Preservation Committee evaluates potential community preservation projects and makes recommendations to Town Meeting for the use of CPA funds. Since the creation of the Wayland Municipal Affordable Housing Trust Fund, the CPC has recommended transfer of funds dedicated to community housing from the community preservation fund to the Trust for disposition consistent with the CPA.

**Community Reinvestment Act (CRA)** — A 1977 federal law that articulates the continuing and affirmative obligation of all federally-insured financial institutions to help meet the credit needs of the local communities in which they are chartered. Such institutions are required to demonstrate to their regulatory agencies, through regular examinations, that they are meeting the credit needs of their community, including low- and moderate-income neighborhoods.

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<sup>1</sup> There has been limited funding for the creation of new units under either of these public housing programs in recent years. Refers to Chapter 689 of the Acts of 1974 and Chapter 167 of the Acts of 1987.

<sup>2</sup> There has been limited funding for the creation of new units under any of these public housing programs in recent years. Refers to Chapter 200 of the Acts of 1948 and Chapter 705 of the Acts of 1966.

**Comprehensive Housing Plan (CHP)** — Wayland’s CHP establishes a framework to implement the housing goals identified in the Wayland Master Plan. The CHP examines housing need in relation to existing housing stock and identifies the objectives and strategies needed to reach Wayland’s affordable housing goals.

**Condominium** — A multiple-unit dwelling in which there is separate and distinct ownership of individual units and joint ownership of common areas. In Massachusetts, condominiums are established under M.G.L. Chapter 183A. Limited equity condominiums are those for which the resale price is regulated and limited through a deed covenant, regulatory agreement, land trust, or other legal mechanism.

**Congregate Housing** — Housing, whether rental or owned, that offers separate rooms or apartments but provides space for shared activities of daily living with other residents..

**Conservation Restriction** — A legal agreement used to preserve rural areas or greenfields, through which a government entity or nonprofit organization can purchase an interest in real property that guarantees it be preserved from development.

**Consolidated Plan (ConPlan)** — A combination planning document and performance report required of states and communities receiving HUD block grants. The ConPlan establishes local housing needs and priorities, and HUD uses it to assess proposed local housing policies and funding requests. Applicants for funding under any of 17 other HUD programs must show that their application is consistent with the local ConPlan.

**Deed Rider** — Addendum to a deed that, for the purpose of this Plan, guarantees a unit’s long-term affordability despite future sales.

**Department of Environmental Protection (DEP)** — The Massachusetts agency within the Executive Office of Energy and Environmental Affairs that is responsible for responsible for ensuring clean air and water; timely cleanup and safe management of toxics and solid and hazardous wastes, and preservation of wetlands and coastal resources.

**Department of Housing and Community Development (DHCD)** — The Massachusetts agency within the Executive Office of Housing and Economic Development that focuses on issues of housing, homelessness, and community development.

**Esri** – Data source that projects statistics such as population, income, and households based on US Census data.

**Executive Office of Energy and Environmental Affairs (EEA)** — The Massachusetts cabinet-level agency that works to implement clean energy, preserve open space, protect the environment, and provide outdoor recreational opportunities.

**Executive Order 215** — Massachusetts executive order, issued in 1982 but not enforced, that required state agencies to withhold discretionary development-related state assistance from municipalities that were unreasonably restrictive in their housing practices.

**Executive Order 418** — Massachusetts executive order, subtitled “Assisting Communities in Addressing the Housing Shortage,” issued in 2000. It makes available up to \$30,000 in planning resources to each community in the Commonwealth to plan for new housing opportunities while balancing economic development, transportation infrastructure improvements, and open space preservation. It also gives priority in the awarding of \$364+ million in annual discretionary funding to communities that have been certified as having taken steps to increase the supply of housing to individuals and families across a broad range of incomes.

**Extremely Low-Income** — Household with income below 30% of area median, as defined by HUD for its own programmatic purposes.

**Factory-built Housing** — Any home that is built in a factory setting as opposed to on site. This can include manufactured and modular homes as well as pre-cut (in which building materials are factory-cut to design specifications, then transported to the site for assembly) and panelized units (in which panels—a whole wall with windows, doors, wiring, and outside siding—are transported to the site and assembled).

**Fair Housing Act** — Federal legislation, first enacted in 1968 and expanded by amendments in 1974 and 1988, that provides the Secretary of HUD with investigation and enforcement responsibilities for fair housing practices. It prohibits discrimination in housing and lending based on race, color, religion, sex, national origin, handicap, or familial status. There is also a Massachusetts Fair Housing Act, which extends the prohibition against discrimination to sexual orientation, marital status, ancestry, veteran status, children, and age. The state law also prohibits discrimination against families receiving public assistance or rental subsidies, or because of any requirement of these programs.

**Fair Market Rents (FMRs)** — Maximum rents allowed by HUD in the Section 8 rental assistance program. Updated and published annually, FMRs represent HUD’s estimate of the actual market rent for an apartment in the conventional marketplace. HUD sets FMRs by unit size (0-bedroom, 1-bedroom, etc.) and regions within each state. They include the shelter rent plus the cost of all tenant-paid utilities, except telephones, cable or satellite television service, and internet service. [The current FMRs are posted on HUD’s website at <http://www.huduser.org/datasets/fmr.html>.]

**FAR (Floor Area Ratio)** — A commonly-used measure of building intensity, FAR is the relationship between building volume and land area, and is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

**Green Development** — Development that uses environmentally-friendly building practices and incorporates energy efficiency. There are a number of public and private incentives for green development and, increasingly, nonprofit developers use green construction as a way of increasing the expendable resources of lower-income persons

**HOME** — Formula grants to states and localities that communities use — often in partnership with local nonprofit groups — to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people.

**Household vs. family** — According to the US Census Bureau, a **family** includes a householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as members of his or her family. A family household may contain people not related to the householder, but those people are not included as part of the householder's family in census tabulations. Thus, the number of family households is equal to the number of families, but family households may include more members than do families. A household can contain only one family for purposes of census tabulations. Not all households contain families because a household may comprise a group of unrelated people or one person living alone.

According to the United States Census Bureau, a **household** refers to all individuals who live in the same dwelling. Household types are arranged into two groups: family households and nonfamily households. A family household contains at least two persons — the householder and at least one other person related to the householder by birth, marriage, or adoption — and is categorized into three types: married couple; female householder with no spouse present; and male householder with no spouse present. A nonfamily household may contain only one person — the householder — or additional persons who are not relatives of the householder. Nonfamily households may be classified as either female nonfamily or male nonfamily households. For each year, the total number of households is the sum of the five mutually exclusive household types. By census definition, householders must be at least 15 years of age.

**Housing Appeals Committee (HAC)** — A quasi-judicial body within DHCD that hears appeals by developers and local zoning boards on comprehensive permit (Chapter 40B) decisions by local Zoning Boards of Appeal.

**HUD** — US Department of Housing and Urban Development; the federal agency that administers housing and community development assistance programs and works to ensure fair and equal housing opportunity for all.

**Inclusionary zoning** — Planning bylaws that require a share of new construction to be designated as affordable for low- to moderate-income households.

**Limited Equity Homeownership** — Ownership housing in which resale values are restricted in order to maintain the long-term affordability of the units, often used for housing developed with public assistance in order to reduce development costs (e.g., funding, relaxed zoning regulations, discounted sale of public land).

**Local Initiative Program (LIP)** — A state program under which communities may use local resources and DHCD technical assistance to develop affordable housing that is eligible for inclusion on the State Housing Inventory. LIP is not a financing program, but the DHCD technical assistance qualifies as a subsidy and enables locally-supported developments that do

not utilize other financial subsidies to use the comprehensive permit process. At least 25% of the units must be set aside as affordable to households earning less than 80% of the AMI.

**Low-income vs. very low-income** – Low-income households are those households whose annual incomes are not more than 80% and not less than 50% of the Area Median Income as defined by HUD. Very low-income households are those households making below 50% of the Area Median Income as defined by HUD. **Manufactured Homes** — Homes built entirely in a factory under a federal building code administered by HUD. The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect on June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. (See Factory-Built Housing, above)

**Massachusetts Housing Investment Corporation (MHIC)** — A private, nonprofit corporation that provides loans for affordable housing, equity funds for low-income housing tax credit (LIHTC) developments, and loan guarantees for lead paint abatement loans. Created in 1991 by a consortium of banks, MHIC also administers a bridge financing program for tax credit projects in conjunction with the Massachusetts Housing Partnership Fund.

**Massachusetts Housing Partnership Fund (MHP)** — A quasi-public agency created by the Legislature in 1985 to support affordable housing and neighborhood development. MHP provides technical assistance and below-market financing to nonprofit and for-profit developers and public agencies.

**Master Plan** — A comprehensive, town-wide plan regarding land use, housing, economic development, natural and cultural resources, open space and recreation, and public services and facilities. The Wayland Master Plan was approved in 2004 and updated in 2011.

**Median Income** – A central point in a sample of household incomes where half of the income range is above the median point and half of the income range is below the median point.

**Mixed-Income Housing Development** — Development that includes housing for various income levels. In urban neighborhoods, it is a tool to deconcentrate poverty. In suburban neighborhoods, it is a design principle that designates a percentage of housing to different price ranges and may include persons with very low-income.

**Mixed Use** — Developments that combine different uses – such as residential, commercial, office, industrial, and institutional – into one project. Mixed-use redevelopment of neighborhoods promotes comprehensive revitalization through retention or addition of housing, services, and jobs.

**Modular Home** — Factory-produced home that is built to applicable state, local, or regional codes where the home will be located. Modules are transported to the site and installed.

**Multiple Listing Service (MLS)** — An online database used by real estate brokers and consumers to identify listings of real estate for sale or rent.

**Natural Heritage & Endangered Species Program (NHESP)** — Part of the Massachusetts Division of Fisheries and Wildlife, NHESP is responsible for the conservation and protection of the Commonwealth's wide range of native biological diversity, and their habitats, especially protecting the vertebrate and invertebrate animals and native plants that are officially listed as Endangered, Threatened or of Special Concern in Massachusetts.

**New England Fund (NEF)** — An affordable housing program run by the Federal Home Loan Bank of Boston (FHLBB), NEF provides advances (loans) to member financial institutions to finance affordable housing. NEF is one of the most widely-used programs for the development of new mixed-income ownership housing under the comprehensive permit statute.

**Overlay Zoning** — A zoning district that is applied over one or more other districts to impose additional provisions for special features or conditions, such as historic buildings, affordable housing, or wetlands.

**Rent-Burdened** — Households that are paying more than 30% of their annual income toward rent. Severely rent-burdened households are those households paying more than 50% of their annual income toward rent.

**Section 8** — Federal program through which the government authorizes housing assistance payments to private landlords in order to provide housing for low-income households. Participating tenants generally pay 30% of their income (some can pay more) for rent and basic utilities and the federal subsidy pays the balance.

**Subsidized Housing Inventory (SHI)** — The list compiled by DHCD containing the count of low- or moderate-income housing units by city or town for purposes of determining progress toward the 10% affordability goal. Wayland is currently at 5.20%.

**Single room occupancy (SRO)** — Generally refers to housing units which are not equipped with both individual kitchen and individual bathroom facilities and which are rented for longer than 15 consecutive days.

**Smart Growth** — A rapidly growing and widespread movement that calls for a coordinated, environmentally-sensitive approach to planning and development. A response to the problems associated with unplanned, unlimited suburban development—or sprawl—smart growth principles call for more efficient land use, compact development patterns, less dependence on automobiles, a range of housing opportunities and choices, and improved jobs/housing balance.

**Soft Second Loan Program** — First-time homebuyer assistance program operated by the Mass Housing Partnership. Buyers obtain a bank mortgage for 75% of the purchase price and the Soft Second Loan program provides a second mortgage for 20% of the price. The interest on the second mortgage may be subsidized for 10 years. Wayland participates in the Soft Second Loan program.

**Stakeholder** — an individual, group of individuals, or organization with an interest in the issue at hand.

**Subsidized Housing** — Housing for low- to moderate-income individuals and households supported by government funding. Households pay 1/3 of their income toward rent and the government pays the remainder.

**Transitional Housing** — Temporary housing for families or individuals who do not have permanent housing but require more stability than an emergency shelter.

**The Warren Group** — Business that collects and offers subscriptions to public records data on real estate sales and building permits.

**Wayland Affordable Housing Fund** — A municipal fund to be expended for identifying, testing, redeveloping, rehabilitating, constructing, and preparing properties for affordable housing in Wayland. Monies in this fund have been transferred to the Wayland Municipal Affordable Housing Trust Fund.

**Wayland Housing Associates, Inc. (WHAI)** — Nonprofit organization organized by a group of housing advocates in 1994 to find alternative and innovative ways to develop affordable housing for persons of low- and moderate-income. Now defunct, the WHAI worked with public and private entities to develop, sell, and manage diverse types of affordable housing.

**Wayland Housing Authority (WHA)** — The local public housing authority that manages low-income public housing programs in Wayland including Section 8 rental assistance.

**Wayland Housing Partnership Committee (WHP)** — A committee appointed by the Board of Selectmen to study the need for affordable housing and to recommend procedures to implement Wayland affordable housing policy. The WHP reviews all private and public affordable housing initiatives affecting the Town.

**Wayland Interfaith Housing Network (WIHN)** — A nondenominational nonprofit corporation dedicated to facilitating affordable housing in Wayland.

**Wayland Municipal Affordable Housing Trust Fund (WMAHTF)** — An entity established by Wayland Town Meeting in 2014 pursuant to M.G.L. c. 44, §55C, for the preservation and creation of affordable housing in Wayland.

**Zoning Board of Appeals (ZBA)** — A local municipal board that hears and decides all appeals from decisions of the Building Department as well as applications for variances and some special permits.

## **Exhibit 1 – Subsidized Housing Inventory**