

11. HOUSING

The Master Plan housing goals focus on providing a variety of housing options to meet the needs of Wayland's different demographic groups. However, several challenges stand in the way of meeting these goals. Wayland's housing stock is one of the most expensive in the Boston region. In addition, housing consists mainly of large single-family houses, which meet the needs of some, but not all, of the Town's residents. While the Town has taken some steps toward addressing its housing needs (such as adopting creative zoning overlays and establishing a Housing Partnership), these gains are modest compared to the overall trends toward more expensive, less diverse housing. Thus, the Master Plan proposes several new initiatives that, taken together, constitute a more aggressive approach toward meeting the Town's housing goals.

During the Master Plan process, many Wayland residents expressed interest in additional affordable housing and senior housing in Wayland. Some stressed the need to diversify the Town's housing stock in order to maintain Wayland's historical socioeconomic diversity and offer housing choices to groups such as Town employees, senior citizens who are looking to "downsize," and young adults who grew up in Wayland and would like to return. Others were motivated by the concern over M.G.L. Chapter 40B Comprehensive Permit developments, which can result in high density at inappropriate locations. The Town generally can do little to prevent Chapter 40B developments as long as there is less than 10% affordable housing (Wayland currently has only 3.2%). At the same time, however, residents emphasized the importance of preserving neighborhood character and expressed concern about over development, since Wayland is approaching build out. These somewhat contradictory sentiments challenge the Town to find ways to accommodate affordable housing and smaller housing units in a manner that has little impact on the Town's character.

11.1 Zoning for Housing Diversity

The Master Plan proposes several zoning changes to promote housing diversity and affordability in a manner that is compatible with the Town's landscape and existing neighborhoods. The first two changes pertain to new residential developments on undeveloped sites throughout the Town, and are closely linked to the recommendations for undeveloped land in the Residence zones (**Section 10.2**). The third and fourth zoning proposals suggest low-impact ways to add small housing units into existing developed areas. In all instances, deeds should secure affordability as long as legally possible and prohibit rental of such units. See **Figure 11-1** the Housing Action Map, which includes a summary of housing recommendations

11.1.1 Housing Diversity in New Developments

Wayland's current zoning framework offers virtually no opportunity to build housing types other than single-family houses at a moderate to low density.¹ This situation not only stifles the creation of needed housing, it also encourages developers to seek Comprehensive Permits to build other types of housing. The Master Plan proposes to address this issue by expanding the Town's existing Conservation Cluster Development Bylaw to offer several different development options for vacant parcels in the Residence zones. The first Conservation Cluster option, which is similar to what is allowed under the current bylaw, allows single-family houses on smaller lots, surrounded by protected open space. A recommended Mixed Housing Conservation Cluster option would allow a combination of 1, 2, 3, and 4-family homes, surrounded by protected open space. A

¹ 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.

Major Strategies for Residential Growth Management:

1. Provide density incentives plus a wider range of Conservation Cluster options to encourage compatible housing development that: a) protects open space as part of any development on five or more acres of land, and b) contributes to affordable housing as part of any development of three or more units.
2. Regulate the maximum size of new houses based on lot area in order to prevent large houses that are out of character with their neighborhood context.
3. Establish a Scenic Overlay District to minimize the visual impact of development on land along designated scenic roads.

Major Strategies for Providing Affordable Housing:

1. Through density incentives, encourage developers to provide affordable housing or contribute to a Town affordable housing fund as part of any housing project of three or more units.
2. Expand opportunities to create affordable attached and detached accessory housing.
3. Create and rehabilitate affordable housing with Town participation, using Community Preservation Act funds, the Local Initiative Program, and other tools.
4. Streamline the process for adding new housing to the Town's Chapter 40B-qualifying affordable housing inventory.

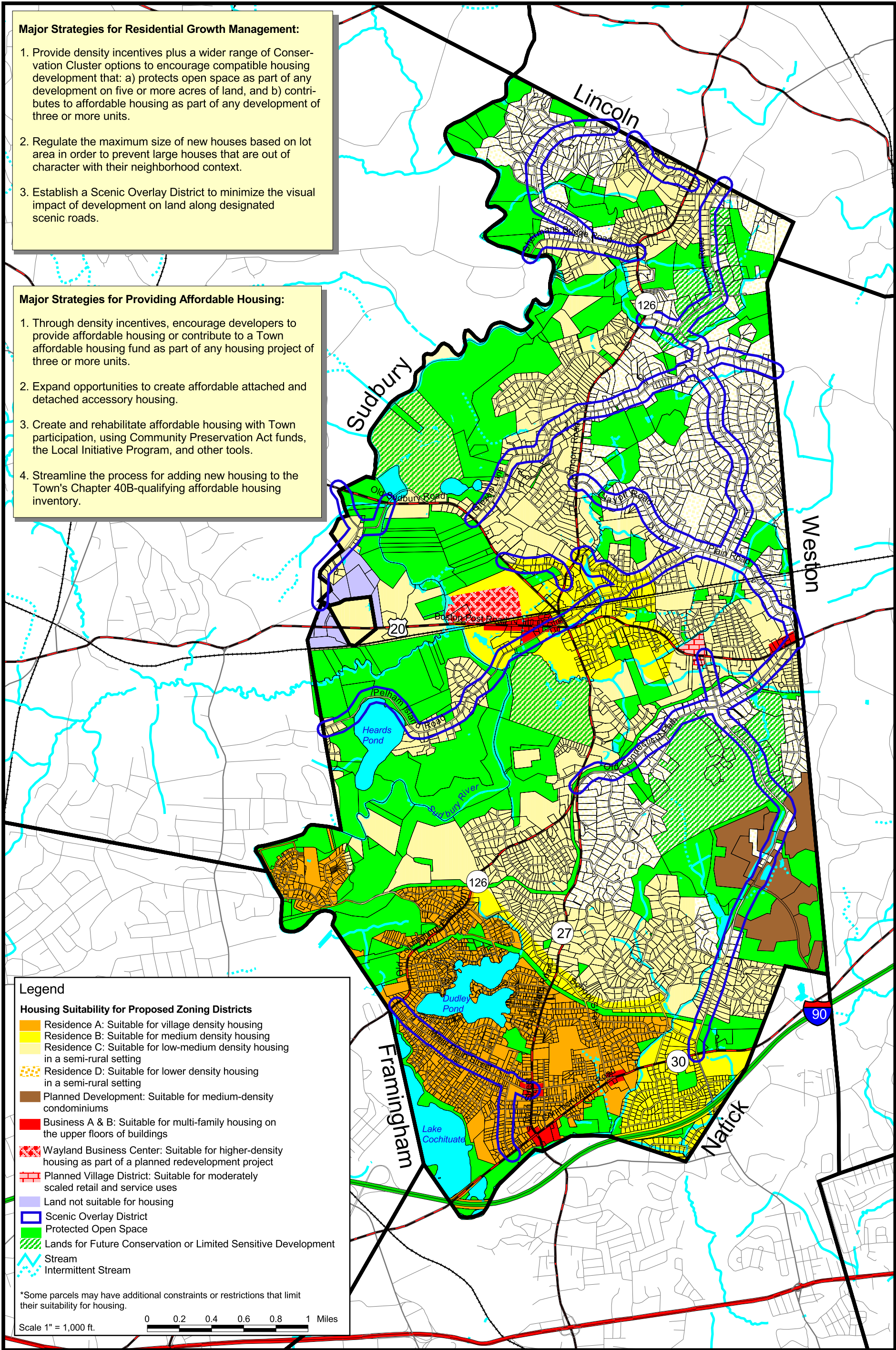
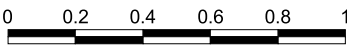
Legend

Housing Suitability for Proposed Zoning Districts

- Residence A: Suitable for village density housing
- Residence B: Suitable for medium density housing
- Residence C: Suitable for low-medium density housing in a semi-rural setting
- Residence D: Suitable for lower density housing in a semi-rural setting
- Planned Development: Suitable for medium-density condominiums
- Business A & B: Suitable for multi-family housing on the upper floors of buildings
- Wayland Business Center: Suitable for higher-density housing as part of a planned redevelopment project
- Planned Village District: Suitable for moderately scaled retail and service uses
- Land not suitable for housing
- Scenic Overlay District
- Protected Open Space
- Lands for Future Conservation or Limited Sensitive Development
- Stream
- Intermittent Stream

*Some parcels may have additional constraints or restrictions that limit their suitability for housing.

Scale 1" = 1,000 ft.



portion of the units would need to be reserved for senior citizens, and a portion would need to have a deed-restriction guaranteeing affordability for as long as legally possible. For more information on these recommended development types—including approximate density allowances—see **Section 10.2**.

In addition to these new forms of Conservation Cluster developments, it is recommended that multi-family housing development under the Planned Development District and the Senior and Family Housing Overlay District continue to be allowed. Although these development options would probably be less attractive to developers than the Conservation Cluster options in most cases, there may be situations where they are the best planning and permitting tool. By keeping these regulations on the books, the Town can offer an appealing array of development options to diversify the Town’s housing stock.

11.1.2 Inclusionary Zoning Bylaw

In order to expand Wayland’s affordable housing inventory, encouraging or requiring affordable housing units as part of any new housing development other than very small projects is recommended. Otherwise, the Town will fall even further behind in meeting its 10% affordable housing goal every time a new subdivision is built.

Recommendations to allow higher density housing in Wayland may appear to contradict the Town’s growth management goals. However, a closer examination reveals that they do not, for several reasons. First, impact per dwelling of smaller homes and senior housing may be lower than that for single-family homes in terms of water usage, traffic generation, and demand on the school system. Second, the Town can expect that it will see higher density housing in the future, if not through local bylaws, then through Chapter 40B Comprehensive Permits. By providing an attractive local permitting process for such housing as opposed to requiring developers to resort to Comprehensive Permits, the Town may negotiate for various benefits that it might not otherwise gain such as protected open space. The Town’s goal is not to stop growth completely, but to manage the type, manner, and location of this growth. Consistent with this goal, the recommended housing options aim to reduce the number of single-family housing developments, which typically provide no open space or affordable units, by recommending strategies that increase the housing options that offer smaller units, affordable units, and protected open space as part of a development.

Under state law, a Town cannot require a developer to provide affordable housing as part of an as-of-right housing development. For this reason, an Inclusionary Zoning Bylaw is recommended to strongly encourage the provision of affordable housing. The Town would offer incentives to build at a higher density in exchange for providing affordable housing or making a contribution to the Town’s affordable housing fund. Single-lot developments and two-lot subdivisions on pre-existing properties would be exempted from the affordable housing incentive program, and could be built at the current allowed density. **Table 11-1** illustrates how this incentive program might work. It is noted that developments of less than five acres that do not qualify for the small project exemption could take advantage of the incentive provisions by building a “standard conservation cluster.” Since the open space requirement would be waived on developments smaller than five acres, such small developments would only need to provide the affordable housing in order to take advantage of the density bonus.

Table 11-1
Town of Wayland
Examples of Possible Affordable Housing Incentives

Development Method	Approx. Density (Minimum Lot Size & Dwelling per Acre) ^(a)				Min. % Affordable Housing ^(b)
	Res. A District	Res. B District	Res. C District	Res. D District	
Exemption for Single Lot Development or for Two-Lot Development on Pre-Existing Parcel	20,000 sq. ft. 2.0 du/acre	30,000 sq. ft. 1.33 du/acre	40,000 sq. ft. 1.0 du/acre	60,000 sq. ft. 0.67 du/acre	None
Conventional Subdivision	20,000 sq. ft. 2.0 du/acre	30,000 sq. ft. 1.33 du/acre	40,000 sq. ft. 1.0 du/acre	60,000 sq. ft. .67 du/acre	None
Conservation Cluster ^(c)	2.2 du/acre	1.47 du/acre	1.1 du/acre	0.73 du/acre	10%
Mixed Housing Conservation Cluster	2.2 du/acre	1.47 du/acre	1.1 du/acre	0.73 du/acre	15%

Note: All details of the various development options are provided as illustrative examples only. Further discussion is necessarily to establish the exact details of these policies.

(a) Aggregate density averaged over the entire site (not just the developed portion). For simplicity, these calculations assume that 1 acre = 40,000 sq. ft. No subtractions are made for wetlands, steep slopes, roads, odd lot geometry, etc. Thus, while the actual achievable density may be slightly lower, these calculations provide a useful “apples-to-apples” comparison.

(b) The requirement for fractional affordable units may be satisfied by making a payment to the Town’s affordable housing fund.

(c) This development may also be used for developments on tracts smaller than five acres, in which case the open space requirement may be waived and only the affordable housing requirement must be met.

The recommended incentives could be implemented through changes to the Town’s Conservation Cluster Development Bylaw as well as adoption of a new Affordable Housing Bylaw. This new Affordable Housing Bylaw would specify how the affordable housing might be developed, priced, and managed. To count toward the Town’s Chapter 40B affordable housing inventory, units must be affordable to families earning no more than 80% of the regional median income. As of 2003, this would equate to a monthly rent of approximately \$1,480 or a home price of about \$209,000 for a family earning up to \$59,200. Since this definition of “affordable” is still well above the price range of many who wish to live in Wayland (e.g., Town employees, recent graduates, or senior citizens on a fixed income), the Town may wish to define its “affordable” more strictly for the purposes of the affordable housing incentive program by using median household income rather than median family income.² The Affordable Housing Bylaw could also require a deed restriction running with the property that limits resale price in order to ensure that the designated affordable units remain affordable as long as is legally possible, but certainly for at least thirty years.

For many developments that take advantage of the affordable housing incentives, fractional affordable units would-be required. In these cases, the applicant would be allowed either to round up to the next highest number of affordable units or to make a payment-in-lieu to a Town affordable housing fund for any fractional units. The payment-in-lieu would be set ahead of time by the Planning Board, but may be changed from time

² For example, the Town could use the median *household* income, not the median *family* income as the benchmark for defining affordability. This makes more sense since many of those seeking housing do not live in family households. If “affordable housing” were defined as affordable to households earning up to 80% of the regional median household income (\$44,187 per year), the maximum monthly rent would be \$1,105 and the maximum home sale price would be \$156,000.

to time. The payment in lieu of an affordable unit would be based on the additional marginal profit that the developer would earn if s/he were able to build a market-rate unit in place of an affordable unit.³

Careful consideration must be given whether to allow a payment-in-lieu for fractional units only, or for all required affordable units. If the Town allowed a payment-in-lieu for all required affordable units, it might actually be able to create or preserve more affordable units than by requiring the developer to build the affordable units himself. This is because the Town can stretch these funds by matching them with state and federal subsidies, assistance from nonprofit groups, free or low-cost Town land, and a streamlined permitting process (for example, through the Local Initiative Program⁴). On the other hand, as buildable land becomes increasingly scarce in Wayland, it may become more and more difficult for the Town to find a place to build affordable housing, even if it has funds to do so.

11.1.3 Housing in the Town Centers

In addition to developing strategies for housing diversity on undeveloped parcels in the Residence Districts, 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 in existing neighborhoods (discussed below). In the town centers, there is the potential to build smaller apartment units in a mixed-use setting, which would not only expand local housing choices but also help enliven the Town centers, with a minimum of impact to surrounding neighborhoods. For these reasons, the Town could allow housing on the upper floors of buildings within the Business A and Business B Districts.⁵ 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 actually 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.

Within the Town centers, housing density can be regulated by the height and setback requirements already contained in the Zoning Bylaw. This would 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. Since 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 would effectively provide an incentive for 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).

³ For example, if an affordable unit costs the developer \$150,000 to build and can be sold for \$156,000, the gross profit on that unit (excluding fixed costs such as land, infrastructure, and design) is \$6,000. For a market-rate unit, the cost to build might be \$300,000 versus a sales price of \$500,000—a gross profit of \$200,000. In this case, the developer could earn \$194,000 more by building the market-rate unit. In theory, if the Town requires \$194,000 or less as the payment-in-lieu for each affordable unit, it would be in the developer's best interest to make the payment rather than building the unit. Actual construction cost and potential sale numbers should be updated regularly to keep the payment-in-lieu fee current. Payment-in-lieu for fractional affordable units can simply be the pro-rated fraction of the payment-in-lieu per unit.

⁴ This state-sponsored program encourages locally supported affordable housing projects to use the Comprehensive Permit process (Chapter 40B) to create affordable units that count toward the Town's 10% affordable housing requirement.

⁵ This can be accomplished by establishing a new use category in the Table of Permitted Principle Uses by District for "Mixed Use Development" and making this an allowed use in the Business A and Business B districts. "Mixed Use Development" could be defined as any project containing a mix of two or more allowed uses.

11.1.4 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.⁶ 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 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. Currently, Wayland's zoning bylaw allows accessory apartments by special permit from the Zoning Board of Appeals, subject to certain restrictions. The following changes to this provision are suggested:

1. The bylaw could require any accessory dwelling units to remain affordable for as long as is legally possible (unless the accessory dwelling unit is discontinued). This may be accomplished through a deed restriction that limits the rental price for the unit to be consistent with rental guidelines for persons who earn no more than 80% of the regional median family income. With this provision in place, the Town can use the Local Initiative Program (see **Section 11.2.2**) to count accessory dwelling units toward the Town's Chapter 40B affordable housing inventory.
2. Allowing accessory dwelling units by right, subject to the affordability provision and the other conditions in the current bylaw including deed restriction to maintain the unit's affordability is an alternative to be considered. This change might further encourage accessory dwellings as a low-impact form of affordable housing in Wayland.

11.2 Other Housing Initiatives

In addition to zoning changes that would encourage the private sector to build desired types of housing, Town initiatives are also necessary to create needed housing. The Wayland Housing Partnership is the appropriate group to spearhead these initiatives (see **Section 3.4.3**), with advice and assistance as necessary from the Planning Board and Department, Board of Selectmen, Community Preservation Committee, and other Town boards. The Housing Authority may also play a major role in these initiatives.

11.2.1 ADA Compliant Housing

The Wayland Housing Authority and Housing Partnership are encouraged to work with housing developers to create affordable as well as market rate handicapped accessible housing units to serve the needs of Wayland's disabled population that are consistent with the guidelines of the Americans with Disabilities Act (ADA)

11.2.2 Town Affordable Housing Fund

Wayland began accruing funds for affordable housing in 2001, when it passed the Community Preservation Act. These funds and other money earmarked for affordable housing creation could be consolidated into an affordable housing fund. Payments made in lieu of providing fractional affordable housing units under the recommended affordable housing incentives would be deposited in this fund, as would grant funds received by the Town.

⁶ However, in certain situations, it may be appropriate. See **Section 11.2.2**, below.

The money in the affordable housing fund could be used for a range of housing initiatives and programs. The following are a few examples, some of which have been used by other Massachusetts communities:

1. Purchase land and offer it at below market rate (with deed restrictions for as long as is legally possible) for the development of affordable housing units. Once the Town purchases a parcel that it deems suitable for affordable housing, the Town could request proposals for the development of affordable housing from non-profit and for-profit housing developers. Once constructed, the housing could be administered by the WHA to ensure that the dwellings remain affordable and available to qualifying households.
2. Since Wayland has relatively little buildable land available for the Town to purchase, another option is to pursue tax title properties with development potential that may come available, or to use a portion of an existing Town-owned site. The development of a plan for the reuse of specific tax title properties on a Town-wide basis is recommended. In addition, the Town could develop a plan that specifically examines the future use of tax title properties throughout the Town.
3. Purchase existing housing units, with particular attention to multi-family housing that fit within the affordable housing criteria (as shown in **Table 3-6**, there were believed to be about 90 such units in Wayland as of 2002, although this number may have since decreased) as they come on the market. Once the units have been purchased, they may be sold to qualifying households with a deed restriction to ensure that they remain affordable for as long as is legally possible. Alternatively, they could be rented to qualifying households.
4. Use a portion of the funds to start a program whereby the Town offers either grants for home repair and upgrade and/or property tax abatements for a period of years to qualified homeowners that fit within the affordable housing criteria in exchange for a deed restriction specifying that the unit shall remain affordable for as long as is legally possible.
5. Provide subsidies to developers of proposed housing developments in Wayland in order to allow them to build a larger percentage of affordable units than is required by the recommended affordable housing incentives.
6. Examine the potential for development of affordable housing on Town owned land.
7. Investigate the feasibility of constructing affordable housing units for qualified municipal employees on Town owned land.
8. In considering purchasing land for open space preservation the development of a portion of the site for affordable housing could be considered
9. If the Federal Government should decide to dispose of land, either vacant or improved with housing units (e.g., Launcher Way), consider purchase options.

11.2.3 State Housing Programs and Chapter 40B

The zoning and non-zoning housing strategies recommended above would go a long way toward creating affordable housing in Wayland. However, in order for all of these affordable housing units to count toward the Town's Chapter 40B affordable housing inventory, they must be created in a manner acceptable to the Department of Housing and Community Development (DHCD).

Local Initiative Program

The LIP 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, either through their conventional zoning process or through a Comprehensive Permit. A LIP project can be submitted by the Town or in partnership with a private developer, and may occur on private or public property. The Board of Selectmen must approve of 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 Traditions of Wayland, and small infill housing projects on public or private land.

Local Housing Program

If the recommended affordable housing incentives and changes to the accessory dwelling provisions are adopted, the Town could potentially see several new affordable housing projects each year. In order to have these units count towards the Town's Chapter 40B affordable housing inventory, the Town can develop a "Local Housing Program."

A "Local Housing Program" sets out a comprehensive set of rules for production of qualifying units. The Town submits "Local Housing Program" to DHCD spelling out the various ways that the Town intends to create affordable housing units (e.g., through the various zoning policies).⁷

Once DHCD approves this program, any affordable units created pursuant to the program are automatically counted toward the Town's Chapter 40B affordable housing inventory. Units created under a "Local Housing Program" may be produced not only by a comprehensive permit, but they can also be authorized by the local zoning. These Local Housing Program units produced without a comprehensive permit would also qualify as Local Initiative Units. A municipal employee such as the Town Planner would administer the Local Housing Program. This process would standardize and streamline the paperwork associated with affordable housing creation in Wayland, and is recommended.

Planned Production

Recent changes to Chapter 40B give communities more options for rejecting "unfriendly" Comprehensive Permits if the Town has a certified affordable housing plan and annually makes significant progress toward meeting its affordable housing goal (defined as adding affordable units totaling at least $\frac{3}{4}$ of 1% of total units in the previous calendar year).⁸ The affordable housing plan must be approved by DHCD. The Housing element of this Master Plan, in an expanded form, seeks to meet DHCD's requirement for an affordable housing plan. While $\frac{3}{4}$ of 1% is still a large number of affordable units for Wayland to add in a single year (about 36 units), it would at least protect the Town against unfriendly Comprehensive Permits for one year following any development with a large affordable housing component.

⁷ See 760 CMR 45.04 – DHCD's regulations for establishing a Local Housing Program.

⁸ See 760 CMR 31.07(1) – DHCD's regulations explaining situations under which a municipality may deny Comprehensive Permit applications.

Housing Certification

Executive Order 418 established a process in which Massachusetts cities and Towns can demonstrate that they have established an effective program for creating affordable housing in order to receive “Housing Certification.” Certification allows communities to access grants or receive bonuses on specific grant applications. For example, communities must have a Housing Plan that is certified in order to qualify for a variety of state grant programs for housing, economic development, and open space such as Community Development Action Grants, the Housing Development Support Program, and the Self-Help and Urban Self-Help grants for open space and recreation. Given Wayland’s recent housing initiatives, the activities of the Housing Partnership, and the recommendations of this Master Plan, the Town is moving towards Housing Certification. However, it is important to formally obtain Housing Certification so as not to miss out on state grant funds.