

# Joint Committee/Boards Housing Meeting —Wayland, MA

## Meeting #3

May 3, 2016

Minutes recorded by Rachel G. Bratt - **REVISED DRAFT**

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### Invited Participants (\*attended meeting)

#### Town employees

- \*Sarkis Sarkisian, Town Planner
- Nan Balmer, Town Administrator
- \*Brian Boggia, Executive Director, Wayland Housing Authority
- \*Katherine Provost, Wayland Housing Authority

#### Wayland Planning Board

- \*Kevin Murphy                      Ira Montague
- Colleen Sheehan, Chair
- \*Daniel C. Hill
- Andrew Reck, Vice Chair

#### Wayland Housing Authority

- \*Kevin Goodwin, Chair            \*Susan Weinstein, ViceChair
- Russell Ashton                      Mary Antes
- \*Jackie Ducharme

#### Municipal Affordable Housing Trust Board

- \*Jackie Ducharme, Clerk
- Stephen A. Greenbaum, Vice Chair
- \*Brian O'Herlihy, Treasurer
- \*Kevin Murphy                      \*Jennifer Steel, representative from WHP
- \*Susan Weinstein                      Mary M. Antes, Chair

#### Wayland Housing Partnership

- \*Armine Roat                              \*Martin S. Nichols
- \*Kathleen Boundy                      \*Rachel G. Bratt, Chair
- \*Mary M. Antes                              Christine DiBona
- Stephanie May                              \*Patricia Mottla Harlan
- \*Betty Salzberg

Becky Stanizzi, Economic Development Committee

Rachel Bratt called the meeting to order at 7:05. The several boards with a quorem did the same.

### 1. Participants introduced themselves.

## **2. Reviewed Housing Trust Goals**

Susan indicated that the Trust is developing a website which will provide a lot of information about affordable housing in the Town. Jennifer read the list of goals that the Trust has developed. They have now been finalized, but they are also a “work in process.” She said that she would disseminate them to all participants in the joint committee meeting; they are also available on-line.

## **3. Brief update on the three housing working groups that were formed as a result of the Jan. 2014 meeting:**

- Visions group, chaired by Katherine Provost has completed a draft report. The major need is for rental housing with at least 2 bedrooms.
- Zoning group, chaired by Sarki, is supposed to meet at some point after the other two groups have submitted their reports. The issue is whether the Town needs to implement any zoning changes to accommodate the needed affordable housing.
- Monitoring group, chaired by Brian B., has a report that should be finalized. The issue here is the monitoring of our affordable units, to assure that long-term affordability is being maintained. Each development was built under a different set of guidelines. The funding agency assigns a monitoring agent. The Town does not have a lot of leverage. This is a problem across the state.

Some of the issues include:

- Two of our monitoring agents that are at a distant locale and are not particularly involved with Wayland
- Difficulty of new buyers qualifying for purchasing re-cycled affordable homeownership units. There is a very narrow eligibility window and they need “squeaky clean” credit in the current financing environment.
- People getting refinancing without getting permission of the Town.

A question was raised about how the Town might be able to exercise its right of first refusal to purchase homes that affordable home owners want to sell. Our interest is to make sure that affordable homes are marketed correctly, so that we can assure that the units remain in the affordable housing stock. If affordable units are not sold within a specified period of time, the owner has the right to sell at market rates, with the difference between what they are allowed to receive and the sales price going to the Town; but the affordable unit would be lost. Susan asked whether the Housing Trust could purchase the units. The answer is apparently “yes.” Dan suggested that the Trust could also contribute some money in the sales process to enable a lower income person to purchase the home. This would have the dual benefit of

being able to accommodate a family that would not otherwise qualify for the unit and making the marketing easier, by expanding the income-eligible group.

**Next step:** As a starting point, Susan and Brian O. suggested that we contact MassHousing and seek permission for the WHA to become the monitoring agent of the Mass Housing-financed development. Dan will write to Nan and request that the Board of Selectmen raise the issue with MassHousing.

Marty noted that there was \$50K in the deed rider for Wayland Commons and that perhaps some of this money could be put toward monitoring. There was a lot of support for either this money or Housing Trust money being used to bring the monitoring in-house, to the WHA. Perhaps Brian could assign a staff member to this task on a part-time basis.

#### **4. Update on plans for “Whole Foods” site (Sarki)**

Sarki presented a long memo on various affordable housing production issues. Concerning the Whole Foods Plaza, the new store, Fresh Market, is planning on gutting the existing building, starting this summer. Sarki indicated that the owner may be amenable to including perhaps 6-12 affordable rental units above the store, but that there are some serious septic issues that may preclude this. Improving the septic system so that it could accommodate some housing could cost \$1.5- 2 million. Sarki noted that there would need to be a zoning change for any affordable units, at Town Meeting, which cannot happen by the time construction begins this summer. A question is whether the developer would be willing to construct the building so that it could, in the future, accommodate the housing.

Dan noted that he is in favor of this proposal; the Town needs to make whatever incremental advances that we can to increase our affordable housing stock. Most members who spoke agree with him. Rachel, however, is wary about another project that puts affordable housing above stores, as happened in Wayland Center. Betty reminded the group that this had not been the original plan, with the affordable units originally planned, to be interspersed with the market rate units, which are separate from the stores. The WHP and the WHA had differed on the advisability of allowing the 12 units above stores in Wayland Center, with the WHA supporting it and the WHP opposed. In fact, it was that split that, at least in part, stimulated the general feeling that the housing-related groups in Town needed to be “on the same page” regarding housing issues and that joint meetings (such as this one) were needed.

**Next step:** Dan suggested that several members meet with the developer. Sarki will arrange the meeting. [Note: meeting arranged and will take place on Thursday, May 12].

## 5. Update on Housing Production Plan, next steps

Before this discussion, Sarki reviewed where the Town stands with reference to its achieving the state-mandate 10% affordable goal. With the new units that will soon be credited on the state's Subsidized Housing Inventory, we will be at 5.2%. Even with as many as 190 units added, assuming River's Edge goes forward with this maximum allowable number of units, we would still be short. The revised River's Edge RFP was just sent out to developers. It is less cumbersome and will require much less time for the developers, than the first version; Sarki says that there is a lot of developer interest.

Sarki noted that all the funds from the Town Center developer – his contribution for the 42 market rate units that were built-- will all be provided to the Town (Housing Trust) very soon.

Also, it was mentioned that the next meeting of the WRAP committee will be May 11 or 16.

Sarki presented information about the Trinitarian Church being interested in disposing of two properties (historic buildings) near the intersection of Routes 126 and 20. Sarki is interested in exploring whether the Town could acquire those parcels for affordable housing. Perhaps a deal could be made with the Church to provide them with parking in the already-existing Town Building parking lot, in exchange for being allowed to purchase the buildings.

Kevin made a motion to support further exploration of this idea; seconded by Jennifer. There was unanimous support. [Note: Sarki subsequently attempted to set up a meeting with officials from the Trinitarian Church to discuss this, but he was told that the Church was not ready at this point to enter into such a discussion.]

Concerning the need to update the Housing Production Plan, Sarki mentioned that the Town is a year overdue in submitting its revised plan to the state. There are at least 6 versions of the draft plan that have been marked up by various members of the several boards and committees. On the one hand, a lot of work would be needed to merge the various comments and respond to the many questions raised—to create a first-rate document. On the other hand, if our major goal is to submit a plan and get it approved, then maybe we should just hire a consultant who understands what the state requires and do that, period, and not worry about it being first-rate. Jennifer also offered that she feels that the HPP should be useful to the Town and provide a blueprint for us to move forward.

Regardless of how we proceed, some funding will be necessary and the Housing Trust could be the source. Brian O. indicated that they would discuss this at their meeting the following night. HOME funds may be another possible funding source. (Sarki mentioned that we had gotten some HOME funds for Habitat homes, but that that money had to be returned because the religious nature of Habitat's marketing scheme was in violation of the federal guidelines for the use of the funds.)

**Next step:** Susan offered to look at the 6 sets of comments on the draft HPP and to assess how best to proceed. Rachel said she would send Susan a summary set of comments that she and Mary had prepared over a year ago. Susan’s overall feeling about the current draft is that its tone is anti-40B and anti-affordable housing. Susan said she would use “track changes” to make edits. Sarki will send the draft to Rachel when done.

Since submission of the HPP is under the BOS’s jurisdiction, the latter should be involved and aware of the process. There was a suggestion that Mary speak to Nan to determine which Town department should cover the costs of finalizing the HPP.

#### **6. Outcome of conversation from Dec. 2015 about how Planning Board will calculate affordable units in Conservation Cluster**

This issue was the main topic of conversation at our last joint meeting. Dan mentioned that the Planning Board had decided that the affordable units in a conservation cluster should be based on the number of units allowed, not based on the number of bonus units allowed under the conservation cluster. The issue was supposed to be discussed at April Town Meeting, but the issue was deferred until perhaps fall Town Meeting, since the spring agenda was very full.

#### **7. Post-development cost certifications of the recent 40B projects in Town**

Dan is concerned that some of the developers of the Town’s 40B projects may have realized more than the allowed 20% profit. If profits are in excess of 20%, the money is supposed to go back to the Town. Dan reports that he has been involved with several successful lawsuits that Towns have brought against developers to recoup excess profit funds.

For two of our projects, Post Road and Wayland Commons, the cost certifications have not yet been filed. For these projects, MassHousing is supposed to be overseeing the maximum profitability allowed (of 20%), as governed by regulatory agreements. But the issue is that these agreements need to be enforced. Dan has been in touch with MassHousing and he has been told that they have attempted to contact the developers but with no response. In another project, Wayland Gardens, the monitoring agent is CHAPA. Apparently, in that case, the developer filed the cost certification on time but it has not yet been approved and the paperwork has sat on an accountant’s desk for some four years. Dan has been in touch with Carol Murine at CHAPA and she said that she will follow up. It seems that for the 4<sup>th</sup> project, Nike – 89 Oxbow Road—there is no outstanding issue.

Dan suggested that the committee take a vote asking the selectmen to write to MassHousing to request appropriate follow up of their monitoring responsibilities concerning cost certifications for the two above-cited 40B developments. Dan made the motion; seconded by Susan. Vote was unanimous in favor.

**Next steps:**

Dan was authorized by the committee to write to Nan asking the BOS to pay attention to this issue and to contact MassHousing requesting action on the two outstanding cost certifications. [Note: he has already done so.] Dan or other members will review the cost certifications for the Wayland Gardens and Nike Site projects over the next month, and discuss what actions, if any, should be taken on those projects.

**8. Speaker/forum on Affirmative Fair Housing**

Brian B. briefly noted that there are new HUD guidelines on this issue and that we need to pay attention to them. The Town will be requested to fill out a self-assessment. The basic concern is how each city and town in the U.S. is going about complying with HUD requirements to reduce racial and economic barriers for accessing affordable housing. Brian was not sure about the deadline for compliance, but it seems that we need to hire a consultant to assist with this effort.

**Next step:**

Need to pay attention to the issue and get more information. Perhaps discuss next steps with possible consultants.

**9. Update on Housing Trust requests for funding/appropriations**

Brian O. noted that there is just over \$1 million in the Trust. The money has come from the original \$50K, + \$400K from CPA funds + cash contributions from developer of 42 homes at town center. Only \$2500 has been spent to date, on the annual audit for the Trust.

Rachel noted that she was willing to continue to serve as chair of the joint committee, but that she would happily step aside if anyone else wanted to do that. Seems like everyone is OK with current arrangement.

Next meeting of combined housing boards/committees, June 21, 2016.  
The sense of the group is that these joint meetings are very valuable.

At 9:15 Betty made a motion to adjourn.  
Seconded by Kevin. Unanimous.

Other committees/boards with a quorum also adjourned.