

Municipal Affordable Housing Trust Fund (MAHTF)

Joint meeting with:

**Wayland Housing Authority
Wayland Housing Partnership
Planning Board**

Minutes – October 23, 2019

Submitted by Rachel Bratt (for Joint meeting) and Bob Duffy (for MAHTF)

Housing Partnership: Mary Antes, Kathy Boundy, Rachel Bratt, Chris DiBona, David O’Leary, Daria Tucker, Robi Zallen

Municipal Affordable Housing Trust: Brian O’Herlihy, Susan Weinstein, Bob Duffy, Jackie Espiritusanto-Vega, Mary Antes

Wayland Housing Authority: (Antes and Weinstein)

Planning Board: Ira Montague, Anette Lewis

Elizabeth Doucette, Brian Boggia, Sarkis Sarkisian

Greta Stone, Andy Meyers, Carol Plumb, residents

Having a quorum, at 7:02 pm the Municipal Affordable Housing Trust Fund called its meeting to order in the Council on Aging hearing room in the Town Building.

Materials Discussed/Distributed: *Excel sheet of Wayland Affordable Housing Inventory;*

1) Rachel Bratt welcomed the participants. She noted that the various committees concerned with housing had not met since May 9, 2017. There were four such meetings prior to that, starting on January 20, 2015. Each person then introduced her/himself.

2) Two residents, Greta Stone and Andy Meyers, requested an opportunity to make a public comment concerning a driveway at 213 Old Connecticut Path; it will be addressed by the Planning Board at an upcoming meeting.

3) Sarkis presented updates on various housing projects in town involving affordable housing. **River’s Edge:** A Zoning overlay multifamily development that was originally slated to have 190 units. The original application has been withdrawn and a new application has been filed that will include 218 units. Brian O’Herlihy suggested that when the Planning Board or ZBA are in the permitting process for the expanded project, the Town should request a “linkage” payment to MAHT, e.g., \$100,000. Given that the extra units will provide the developers with additional revenue/value, the Town is well positioned to request that a linkage payment be paid. Sarkis suggested that the Board of Selectmen and the Zoning Board of Appeals (ZBA) should be made aware of this suggestion. In addition to asking for a linkage payment, the Town could request that some units be affordable to households at less than 60% of area median income and/or a few units could be placed under the control of the WHA.

School Street: The Conservation Commission had denied the permit due to septic issues and proximity to the brook. Project is in mediation with the State Department of Environmental

Protection. The possible (12) units have not yet been certified with the state, for the Subsidized Housing Inventory (SHI), even though the project was issued a comprehensive permit by the Zoning Board of Appeals and said units are eligible for the SHI.

Mahoney's: In mediation between the applicant and the ZBA/Town. It is not clear that a building permit will be issued by January 15, 2020. If a permit is not issued by then, the 60 units from this project that we have been credited for (for the SHI), will be de-certified and removed from Wayland's total in the SHI. These 60 units also contributed to the Town's "safe harbor," which allows for greater control over 40B developments for two years. If a new plan is presented to the Town, the proposed units will not count toward another "safe harbor" designation.

Launcher Way: This 5.6 acre property in north Wayland is close to the former Nike site. Consisting of 12 single family units, the Town would like to acquire the parcel for affordable rental housing. The units are owned by the federal government and, based on a relatively new law, they are apparently obligated to sell the property to the highest bidder, which could yield bids as high as \$2-5 million. At the low end, the estimate is based on a calculation that, by right, a developer could build 4-5 units @ \$500,000/lot. At the higher end, the developer could use chapter 40B or seek another type of zoning variance. However, a zoning change voted on at the Special Town Meeting in 2018 could reduce the maximum bids received, since it severely restricts future uses of certain rental parcels (see Note below). Many participants felt that the Town should start discussions with possible development partners, particularly nonprofit organizations working in Metrowest. The Government's environmental review of the property is in the public comments phase. Following this period, Sarkis expects that the property will be ready to be marketed. Depending on the government's schedule, it is possible that we could bring the issue to Town Meeting in the spring and, perhaps, borrow against future MAHT allocations. Although not mentioned at the meeting, Rachel would like to add a special note of thanks to Sarkis for his work on Launcher Way and his efforts to retain the land for affordable housing.

Note: ARTICLE 8: ZONING: USE OF PRE-EXISTING NONCONFORMING LAND THAT CONSISTS OF MORE THAN SIX DWELLING UNITS Proposed by: Planning Board To see whether the Town will vote to amend Chapter 198 of the code of the Town of Wayland, the Town's Zoning Bylaw, by making the following revisions: After Section 401.1.2, add the following section: 401.1.2.1 – Notwithstanding the provisions of Section 401.1.2, a pre-existing nonconforming use of land that consists of more than six Dwelling Units for rent on a single Lot may not be changed, extended or altered in such a manner that results in either (i) more Dwelling Units or a greater Dwelling Unit density on the parcel of land; (ii) an enlargement of any of the Dwelling Units as measured by its Gross Floor Area or its number of bedrooms or rooms; (iii) the expansion of the use onto adjacent land; or (iv) the subdivision of the Lot into more than one Lot, or the division of the title to the Lot in any manner that results in more the one person or entity holding a fee simple title interest to the Lot or a fraction thereof (i.e., a condominium).

The Finance Committee commented that: This zoning amendment would restrict the ability of owners of pre-existing, nonconforming rental properties that contain six or more units of rental housing from expanding, enlarging or converting those properties in a manner that is inconsistent with current Zoning Bylaws. The purpose of the amendment is to preserve affordable rental housing stock.

4) Brian O'Herlihy provided an update on the MAHT's funding and future plans. Currently, the Trust has \$925,000 in cash and investments with another \$100,000 expected from the

Community Preservation Act allocation in April or May. Without financing, \$925,000 is the maximum available for Launcher Way or any other project. Funding would depend on a vote by Town Meeting.

Brian reported that the improvements at the existing home on Hammond Street are now completed and the home is occupied, with a second 3-bedroom home planned for the site following permitting. The Trust has been looking at other potential properties. The MAHT has been frustrated by the need for it to comply with the state's prevailing wage law, which resulted in Hammond Street renovations costing about 40% more than if compliance with this law had been unnecessary. The Town tried to get a special exemption for affordable housing enacted into law, but was not successful. Brian noted that Connecticut, for example, waives their prevailing wage law for projects costing less than \$250,000. Finally, Brian mentioned that the trustee on the MAHT with real estate legal expertise had resigned and they were looking for a replacement.

Rachel thanked Brian for having done an enormous amount of work on the Hammond Street home.

5) Brian Boggia presented a chart showing the Town's progress toward meeting the minimum state goal of 10% of our housing stock being affordable, as defined by the state. The chart shows that, for purposes of the Subsidized Housing Inventory, the Town is currently at 6.42%. However, a number of factors will impact our ability to meet the 10% goal, including a slight increase in our year-round housing stock (as will be determined by the 2020 census), the possibility of losing credit for the 60 units at the Mahoney's site (as noted above), and the addition of the 218 River's Edge rental housing units as "subsidized," without these units being counted as part of the year-round housing stock in the 2020 census.

There have been ongoing discussions about the future use of the Town Building and the possible use of some portion for affordable housing. Overall, there has not been much affordable housing activity in the past few years. Two possible sites include the two golf courses, which still appear to be profitable.

6) Rachel introduced Dana Le Winter, Director, Municipal Engagement Initiative (MEI), Citizens' Housing and Planning Association's (CHAPA). The MEI provides technical assistance to cities and towns that are seeking strategies to increase affordable housing production. Over the past two years, six municipalities have been selected to work closely with CHAPA. The process seeks to identify the housing concerns of the locale and to bring people together in a self-sustaining coalition. CHAPA is also interested in helping the locale to develop or adopt new policies and to create additional affordable housing. Given that Wayland already has many pro-affordable housing policies in place, as well as an informal coalition of concerned groups, Rachel questioned how, exactly, the MEI would be able to assist Wayland. Dana pointed out that, in addition to the possibility of being selected as an official MEI municipality, CHAPA is happy to work with cities and towns on issues, such as Launcher Way, on an ad hoc basis. Concerning that project, she suggested that we start to work with a nonprofit developer as soon as possible, and mentioned several possible groups. In addition, she suggested that the Mass Housing Partnership could assist in developing a site feasibility plan. She said that she would

follow up with specific suggestions (see below from a subsequent email [October 24, 2019] from Dana to Rachel):

As we discussed, for Launcher Way it sounds like your first step should be to get in touch with MHP to see if they can provide some technical assistance on site feasibility. You can reach out to Katie Bosse at kbosse@mhp.net to get connected to a staff person or even a grant or consultant. In addition, we discussed sharing the potential development opportunity with some non-profit developers so that they are aware of it when the bid is released. The following are affordable housing developers that may be willing to do work in Wayland, though I should note this list is not exhaustive, nor should this be seen as a recommendation. B'Nai Brith Housing; POAH; The Community Builders; NOAH; MetroWest Collaborative Development; 2Life Communities.

Carol Plumb asked Dana whether they had worked with any communities with little buildable land. Dana replied that most communities identify that as a problem. Carol urged participants to do a survey of possible building sites. Participants noted that this had been done and that the Wayland Real Asset Planning Committee Final Report (June 2017) should be consulted, or, in other words, we should unwrap RAP.

7) Mary Antes provided an overview of the Accessory Dwelling Unit by-law, which dates back to 1980; a rental assistance by-law was approved in 1999. Mary continued with the following:

According to the Town Planner, neither one has been used, although the Assessors have a list of 40 dwellings that appear to have accessory apartments. Looking at the census it is hard to tell whether there is more than one related family living at these addresses.

For a number of years, the Housing Partnership has talked about easing our bylaws restrictions, such as lot size, age of the house, amount of space in the accessory unit, and at one point we proposed changes to the Planning Board. At the time they were occupied with the town center development and had no time to consider changes to this bylaw.

Because of the housing crunch, the state is really urging towns to adopt ADUs (accessory dwelling units). The intent of permitting ADUs is to

- provide older homeowners with a means of obtaining rental income, companionship, security, and services enabling them to stay in homes they might otherwise be forced to leave;
- add moderately priced rental units to the housing stock to meet the needs of smaller households,
- make housing units available to moderate income households who might otherwise have difficulty finding housing;
- provide housing units for persons with disabilities;
- and protect stability, property values, and the residential character of a neighborhood.

The Partnership has looked at Wayland's bylaw and model bylaws with the idea of proposing a new bylaw for the Planning Board to consider. However some of our members are concerned that any restrictions will have unintended consequences. For example, model bylaws generally require a separate kitchen and two egresses. Can one of the exits be through the primary residence? Does a separate kitchen have to be a full kitchen? Does the town care about these restrictions or can a homeowner do whatever they want?

So we halted our discussion and want to throw the question out to you. The Partnership agrees that it is more important to house people who need it than making sure the ADUs count on the Subsidized Housing Inventory. In order to count, the homeowner would have to agree to leasing the accessory unit for a long period—the current affordable bylaw requires a homeowner to agree to a term of 15 years.

Do we stick with what we have and publicize the current bylaw in hopes that it might be used? Do we work on a new bylaw? Should we do nothing? Are there unintended consequences or can a new bylaw be flexible enough to mitigate them?

Several participants suggested the following actions to help publicize the use of ADUs, including: a meeting with the Council on Aging and a Buzz article. These could be accompanied by a hand-out with a set of bullet points that summarize how to create ADUs in compliance with the Town's by-law.

8) Sarkis discussed plans for revising the Town's Housing Production Plan (HPP); our current plan expires on September 19, 2021. Annette Lewis suggested that needed funding for revising the plan should either be in a separate Town Meeting article or included as a line item in the budget. Elizabeth Doucette noted that she planned to include some funds in the FY 2021 budget for this purpose. Each committee/board was urged to write to the Board of Selectmen requesting funding for revising the HPP.

The Housing Partnership and Housing Trust each adjourned.

A motion to adjourn the Housing Partnership was made by Robi Zallen at 9:10; seconded by David O'Leary. Unanimous.

ADDENDUM: follow-up on housing consultants.

After the meeting, Rachel wrote to the executive directors at CHAPA and MHP. The following are their comments:

Rachel Heller, CHAPA: As for consultants, I can't recommend any because it wouldn't be fair to the many consultants in our database or doing the work. I don't know how their work compares with each other. I can tell you about my experience, though. In Belmont, we worked with Jennifer Van Campen at Metro West Collaborative Development. Metro West did the research, we conducted community meetings together, and then crafted recommendations from there. It has served as our blueprint... Our HPP cost about \$14,000, I believe. We had Community Investment Tax Credit investors in our town that wanted to invest in an affordable housing effort. They funded the HPP.

Others I know doing this work include Jennifer Goldson at JM Goldson community preservation and planning and MAPC. Belmont Housing Trust recently needed a consultant to help us develop a proposal on a parcel of land and Mass Housing Partnership provided us with a consultant that they selected. It was incredibly helpful and we now have the numbers to back up our proposal. You may want to contact their community assistance team to see if they can help.

Clark Ziegler, MHP: you might reach out first to Karina Milchman, the housing and community development chief at the Metropolitan Area Planning Council, because they are strong on community involvement and produce some great housing production plans. They also may have some state funding to pay for it. The two other consultants we work with most frequently, and who do the best job on housing plans and community engagement, are Jennifer Goldson (JM Goldson Associates) and Judi Barrett (Barrett Planning Group).

Adjourn: S. Weinstein moved to adjourn the MAHTF's meeting at 9:12 P.M. B. O'Herlihy seconded. Motion approved 5-0.

Respectfully submitted,

Bob Duffy