

March 16, 2010

6:00pm

Conference Room 2 –  
Town Hall

# HOUSING PARTNERSHIP

Meeting called by: Michelle Harris

Type of meeting: Regular Monthly Meeting

Note taker:

Attendees:

Please read:

Please bring: WB Master Plan

## AGENDA ITEMS

Topic	Presenter	Time allotted
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✓ Housing Production Plan

Trish Settles, CMPRC

✓ Minutes 2-17-2010 — *approved*

✓ Work Plan

✓ New Business

✓ Adjourn

*8:05 adj*

*called to order 6:07 pm  
Doris Englebart - TWPC  
Sue Merle  
Pat McKen*

*Venny - PB PB  
Kurt Lane Larry Salala - PB  
Pat Halpin - PB*

## OTHER INFORMATION

*\* Housing Authority + ZBA*

*mcains@westboylston*

*invite plus board*

West Boylston Housing Partnership  
Meeting Minutes 2/17/2010

-- DRAFT --

In Attendance: Sandy Menard, Michelle Harris, Pat McKeon, Sandra Menard  
In Attendance from the Planning Board: Larry Salate, Vincent Vignaly  
Guest: Marcia Cairns

Not in Attendance: Andrew Feland

The meeting came to order at 6:40pm

Brenda Bowman has resigned from the Housing Partnership.

The minutes of 1/20/2010 were reviewed and accepted by the members

Michelle handed out the work plan updated with the input from the last meeting. Pat suggested that the Partnership might be able to complete the Household income section with information that is used to establish median income for Fair Market Rents (FMR) or possibly this can be obtained through the work with Central Mass Regional Planning Commission (CMRPC) on the Housing Production Plan (HPP). Michelle will make that change to the work plan.

Trish Settles from CMRPC joined the meeting at 7:00pm. Using the attached agenda she began a discussion with those present regarding priority housing needs and local capacity. Vinny requested that Trish send drafts of the plan prior to each meeting so members can review and be prepared to comment at each session during the development of the HPP.

The next meeting will be a joint meeting with the Planning Board on March 16, 2010 at 6:00pm.

The meeting adjourned at 8:15 pm

## C. HOUSING STRATEGIES

The strategies outlined below are based on previous plans (including the 2005 Master Plan), reports, studies, a recent survey, the Housing Needs Assessment, and the experience of other comparable localities in the area and throughout the Commonwealth. The strategies are grouped according to the type of action proposed – Building Local Capacity, Zoning and Planning Reforms, Housing Production, and Housing Preservation. Each strategies is prioritized. As such the Plan starts with organizational issues, moves to regulation, identifies key production strategies to guide new development, and then finally looks at how to preserve the housing in place. Priority A actions are those that will begin within the next two years, most of which will involve some immediate actions. Priority B strategies involve focused attention in years three through five. These actions may be initiated sooner, but may take longer to complete. A summary of these Housing Actions is included in the table below.

The strategies also reflect the recent changes to state Housing Production requirements that ask communities to address all of the following major categories of strategies to the greatest extent applicable:<sup>7</sup>

- *Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal;*
  - Review and modify bylaws as necessary to promote housing production;
  - Promote greater diversity of housing types;
  - Promote mixed-use development;
- *Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects;*
  - Partner with developers to produce affordable housing units
  - See “friendly” 40B projects in production goals.
- *Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality;*
  - Promote accessory apartments
  - Promote greater diversity of housing types
  - Develop the town’s Comprehensive Permit Policy.
  - Promote mixed-use development
  - Encourage infill development, cluster development, adaptive reuse
- *Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing.*
  - Partner with developers to produce new affordable housing units
- *Participation in regional collaborations addressing housing development*
  - Help qualifying home buyers and home owners access housing assistance resources.

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<sup>7</sup> Massachusetts General Law Chapter 40B, 760 CMR 56.03.4.

It will be important to also insure that affordable units produced through this Plan get counted as part of the Subsidized Housing Inventory (SHI) by the state's Department of Housing and Community Development (DHCD), to the greatest extent possible.

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

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

Additionally, a Subsidized Housing Inventory New Units Request Form must be submitted to DHCD to insure that these units get counted.

If another state or federal housing subsidy is used then a request for acceptance by the DHCD Local Initiative Program (LIP) should be sought. In addition to being used for "friendly" 40B projects, LIP can be used for counting those affordable units as part of a town's Subsidized Housing Inventory that are being developed through some local action including:

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

Some of the important tasks for insuring that the affordable units, now referred to as Local Action Units (LAU's), meet the requirements of Chapter 40B/LIP include:

- Meet with the developer to discuss requirements for insuring that the unit(s) meets the requirements for inclusion in the Subsidized Housing Inventory through the state's Local Initiatives Program (LIP).
- Contact DHCD to discuss the project and determine affordable purchase prices or rents.
- Identify a marketing agent to prepare the Affirmative Fair Housing Marketing Plan, conduct outreach and coordinate the lottery.
- Execute a regulatory agreement to further insure long-term affordability between the developer, municipality and DHCD.
- Prepare a LIP Local Action Units application submitted by the municipality (chief elected official) that includes an Affirmative Fair Housing Marketing Plan.
- Obtain state approval of the Affirmative Marketing Plan and LAU application and implement the Marketing Plan.
- Hold at least one information session about the lottery.
- Approve applicants for eligibility in the lottery.
- Prepare a letter to those eligible for inclusion in the lottery and another to those who do not qualify.

- Conduct the lottery.<sup>8</sup>
- Work with winning applicants and lenders to secure mortgage commitments for homeownership projects.
- Work with winning applicants and the developers to sign leases and occupy their units for rentals.
- Obtain the deed rider and Resale Price Certificate from DHCD that requires the mortgage commitment letters, purchase and sale agreements, and contact info for the closing attorneys for homeownership projects.
- Work with lenders and the developer to close on the units for homeownership.
- Submit necessary documentation to DHCD to have the unit counted as part of the Subsidized Housing Inventory.
- Annually recertify the continued eligibility of affordable units.
- Prepare a Ready Buyers List or Ready Renters List, approved by DHCD, for any resales or upon tenant turnover.

The proposed staff professional, or other designated municipal employee, the Housing Authority or a consultant should be identified to coordinate this work. The affordability restrictions for all units produced through the Local Initiative Program will be monitored by DHCD, but it is the premise of LIP that the municipality and DHCD work together to create affordable housing and fulfill the obligations of the affordability restrictions.

It should be noted however, that while a major goal of this Plan is to eventually meet the state's 10% goal under Chapter 40B, another important goal is to serve the range of local housing needs and there are instances where housing initiatives might be promoted to meet these needs that will not necessarily result in the inclusion of units in the Subsidized Housing Inventory (examples include the promotion of accessory apartments or even workforce housing for those earning between 80% and 120% of area median income).

Within the context of these compliance issues, local needs, existing resources, affordability requirements, and the goals listed in this Plan, the following housing strategies are offered for consideration. *It is important to note that these strategies are presented as a package for the town to consider, prioritize, and process, each through the appropriate regulatory channels.*

#### 1. BUILD LOCAL CAPACITY

In order to carry out the strategies included in this Housing Production Plan and meet production goals, it will be important for the town of West Boylston to build its capacity to promote affordable housing activities. This capacity includes gaining access to greater resources – financial and technical – as well as building local political support, further developing partnerships with public and private developers and lenders, and creating and augmenting local organizations and systems that will support new housing production.

It should be mentioned that West Boylston is fortunate to have a number of local entities in place, which have provided important leadership and expertise in the area of affordable housing. For example, the town approved the formation of the **West Boylston Municipal Affordable Housing Trust (HT)** at its October 2006 Town Meeting. State enabling legislation enacted on June 7, 2005, as the Municipal Affordable Housing Trust Fund Act, simplified the process of establishing such funds. Previously, cities could create trusts through their own resolution, but towns had to get approval from the state legislature through a home rule petition. The law provides guidelines on what trusts can do and allows communities to collect funds for housing, segregate them out of the general budget into an

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<sup>8</sup> Up to 70% of the affordable units in most developments may potentially be reserved for those who have a connection to the community, "community preference units", including current residents and employees of the municipality or local businesses if the community can demonstrate that such preference is consistent with local need and will not have a discriminatory effect.

affordable housing trust fund, and use these funds without going back to town meeting for approval. It also enables trusts to own and manage real estate, not just receive and disburse funds. The law further requires that local housing trusts be governed by at least a five-member board of trustees, appointed and confirmed by the Board of Selectmen, in the case of towns. While the new trusts must be in compliance with Chapter 30B, the law which governs public procurement as well as public bidding and construction laws, most trusts opt to dispose of property through a sale or long-term lease to a developer so as to clearly differentiate any affordable housing development project from a public construction project. The Housing Trust will need to work closely with the Community Preservation Committee and other local boards and committees on affordable housing initiatives, providing a vehicle for funding predevelopment and development activities, for conveying town-owned land for eventual development by a selected developer, and overseeing the implementation of this Housing Production Plan.

West Boylston Housing Authority – Anita Sullivan. Orchard Knoll

West Boylston Housing Partnership

As outlined in Article XXXI of the General Bylaws, the **West Boylston Community Preservation Committee (CPC)** is made up of 4 citizens appointed by the Town Administrator and a representative from each of the following Town bodies: the Planning Board, the Conservation Commission, the Historical Commission, the Parks Commission and the Housing Authority. The West Boylston Community Preservation Committee (CPC) has been charged with the oversight of funds to be raised through the town's passage of the Community Preservation Act. In September of 2000, the Community Preservation Act was enacted to provide Massachusetts cities and towns with another tool to conserve open space, preserve historic properties and provide affordable housing. This enabling statute established the authority for municipalities in the Commonwealth to create a Community Preservation Fund derived from a surcharge of up to 3% of the property tax with a corresponding state match of up to 100%. Once adopted the Act requires at least 10% of the monies raised to be distributed to each of the three categories (open space, historic preservation and affordable housing), allowing flexibility in distributing the majority of the money to any of the three uses as determined by the community. The Act further requires that a Community Preservation Committee of five to nine members be established, representing various boards or committees in the community, to recommend to the legislative body, in this case town meeting, how to spend the Community Preservation Fund.

The Town of West Boylston approved a 2% surcharge on most property taxes paid by residents in May 2007. West Boylston chose to exempt the first \$100,000 of property value, plus an exemption for residential property owned and occupied by low-income residents. West Boylston's Community Preservation Committee is comprised of nine (9) members and three (3) associate members including representatives of the Planning Board, Historic Commission, Conservation Commission, Recreation Commission, Housing Authority, Open Space Committee, Finance Committee, Council on Aging, and Board of Assessors, all appointed by the Board of Selectmen. The October 15, 2008 distribution of CPA Matching Funds to the Town of West Boylston included \$159,512 in local surcharge revenues with a \$107,863 trust fund match. The state matched 67.6%. The October 15, 2009 distribution CPA Matching Funds to the Town of West Boylston included \$164,038 in local surcharge revenues with a \$57,110 trust fund match. The state matched 34.8%. (Community Preservation Coalition, 2010)

The West Boylston CPC has funded only a hand full of initiatives during its existence. The primary use of fund to date has been for preservation of historical records. However, the CPC has also provided funding for the development of this housing production plan. In several communities the CPC routinely dedicates the minimum allotment of 10% to local Housing Trusts. This same practice could help provide much needed resources to the development of affordable housing.

**Habitat for Humanity** is an ecumenical, non-profit Christian ministry dedicated to building simple, decent homes in partnership with families in need. The organization has grown over the past two decades into one of the largest

private homebuilders in the world with almost 1,600 U.S. affiliates and over 2,000 affiliates worldwide, including Habitat for Humanity of North Central Massachusetts and Greater Worcester Habitat for Humanity, which are the closest affiliates to West Boylston. These organizations have been able to build new homes for first-time homebuyers through donated land, materials, labor and funding as well as other special financing strategies. While Habitat has not built a house in West Boylston yet, the organization could be invited to explore new opportunities in town. Two homes are planned by the Greater Worcester Habitat for Humanity group for the neighboring community of Boylston.

**RCAP Solutions**, with offices in Gardner and Worcester, provides a comprehensive array of programs which assist tenants in paying for their rent. These subsidies provide rental support for tenants in privately owned units. The tenants must be income eligible and the units must pass program-specific housing quality standards inspection.

RCAP rental assistance programs available to residents of Worcester County, Massachusetts include:

- Federal Housing Choice Voucher
- Massachusetts Rental Voucher Program
- Preservation Vouchers
- Section 8 Moderate Rehabilitation
- Department of Mental Health Voucher
- Department of Mental Retardation Voucher
- Independent Living Program
- Family Unification Program
- Aids Voucher (JRI)
- Designated Voucher
- Mainstream Voucher

The RCAP Solutions Housing Consumer Education Center (HCEC) helps consumers make informed decisions about their housing situation. The HCEC center is a resource for tenants, landlords, and homeowners. HCEC staff provide expertise in housing search, emergency housing assistance, advocacy, counseling, and education. The HCEC direct extension is 978-630-6770.

The NeighborWorks® HomeOwnership Center of Gardner and of Worcester are also good resources for foreclosure issues.

Specific actions to help build local capacity to meet West Boylston's housing needs and production goals are detailed below. While these strategies do not directly produce affordable units, they provide the necessary support to implement a proactive housing agenda that ultimately will result in new unit production.

#### *1.a Conduct Ongoing Community Outreach*

While many residents are aware of escalating housing prices and some are encountering difficulties affording housing in West Boylston, it is likely that many residents hold onto negative stereotypes of what affordable housing is and how it might change the character of their community. Some even claim that the term "affordable housing" instigates instant negative reactions from some residents. Given these perceptions and misinformation on the subject, it is important for the town to work on building an active constituency for affordable housing in support of important local initiatives.

Additional opportunities to engage local leaders and community residents in discussions on affordable housing and to highlight information on the issue are needed to continue to dispel myths and help galvanize local support, political and financial, for new affordable housing production including the following:

- *Forums on specific new initiatives.* As the town develops new housing initiatives, the sponsoring entity should hold community meetings to insure a broad and transparent presentation on these efforts to other

local leaders and residents, providing important information on what are being proposed and opportunities for feedback before local approvals are requested.

- *Annual housing summits.* Most communities lack an effective mechanism for promoting regular communication among relevant town boards and committees on issues related to affordable housing. Having a forum to share information on current housing issues would help foster greater communication and coordination among municipal entities involved in housing-related matters. Additionally, inviting community residents can help build community interest, improve communication and garner support. Many communities are sponsoring such events, at least on an annual basis. For example, Truro organized a panel discussion on housing issues, inviting representatives of other towns on the Cape and organizations involved in affordable housing. Yarmouth held a spaghetti dinner and offered an update on their affordable housing initiatives with opportunities for feedback from local leaders and the public.
- *Public information on existing programs and services.* The town should get the word out about existing programs and services that support homeownership, property improvements or help reduce the risk of foreclosure including first-time homebuyer and foreclosure prevention counseling. Dissemination of simple yet relevant information on community local access, in local newspaper, or as municipal tax or water bill inserts can broaden community understanding of important resources.
- *Educational opportunities for board and committee members.* Local boards such as the Community Preservation Committee, Housing Partnership, Housing Trust, Zoning Board of Appeals, Planning Board, Council on Aging, West Boylston Housing Authority as well as other interested local leaders should be able to receive ongoing training on affordable housing issues. Well advised and prepared board and committee members are likely to conduct town business in a more effective and efficient manner. New members without significant housing experience would benefit substantially from some training and orientation regarding their responsibilities. Moreover, requirements keep changing and local leaders must keep up-to-date. Funding for the professional development of staff and any designated housing professional, would also help keep key professionals informed and up-to-date on important new developments, best practices and regulations.

The University of Massachusetts Extension's Citizen Planner Training Collaborative (CPTC) offers classes periodically throughout the year and will even provide customized training sessions to individual communities. The Massachusetts Housing Partnership conducts at least annually the Massachusetts Housing Institute, which is "an educational program to support municipalities and local participants to better understand the affordable housing development process and have an effective role in initiating and implementing local solutions to increasing housing choices". Other organizations and agencies, such as Central Massachusetts Regional Planning Commission (CMRPC), DHCD, MHP, CHAPA, and the Community Preservation Coalition, also provide conferences and training sessions on a wide variety of housing issues that would be useful for local officials and staff persons to attend. In addition, there are numerous written resources for localities. For example, DHCD has prepared a procedural "how to" booklet for local communities on the development process, MHP has many technical guides for localities, and CHAPA has a wide variety of reports on many issues related to affordable housing as well.

*Timeframe:* Priority A

*Responsible Party:* West Boylston Housing Partnership

*Resources Required:* The donated time of volunteers as well as staff time from the proposed staff professional, other designated municipal official, or a consultant to prepare written materials and staff outreach events.

#### *1.b Secure Professional Support*



While most of the strategies that are included in this Plan do not individually involve substantial amounts of staff time from town officials or donated time from board and committee members, when considered altogether they require a significant time commitment and involve some specialized expertise in planning as well as housing programs, policy and development. The Town Administrator, Building Department Staff and Planning Board Assistant have limited capacity to take on additional work much less all of the staff related tasks included in this Plan.

Various municipalities have handled this need for professional support differently. For example, the Town of Marshfield issued a Request for Proposals for a Housing Coordinator position and hired a full-time person for several years. Currently it splits this position between two consultants. The Town of Grafton has an Assistant Planner on board to assume many of these housing-related functions. Bedford has a consultant working part-time on overseeing its housing activities and at one time shared this consultant with the Town of Lincoln. Belmont is working with a non-profit development organization located in a nearby community to support its housing activities. Holliston is working with a consultant to implement key initiatives, and at some point in the future is likely to hire a housing professional on at least a part-time basis with CPA funds. Yarmouth has recently hired a part-time consultant to provide needed support. Communities such as Chatham rely heavily on its effective Housing Authority for program support related to affordable housing.

The Housing Trust should present a proposal to the Community Preservation Committee for the funding of a professional staff person or consultant using Community Preservation funding, which ultimately will have to be approved by town meeting. This position could be filled at least initially on a part-time basis based on an agreed upon scope of services. This professional would be available to assist with public education (see strategy 1.a); the marketing, lotteries, and monitoring of affordable units; grant writing; outreach to establish partnerships with developers, lenders, funders, etc. to promote affordable housing; and overall coordination of the implementation of this Housing Plan, providing necessary staff support as needed. It should also be noted that other consultants could be brought on as needed to handle specific activities including environmental engineers for predevelopment work, appraisers, surveyors, etc.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen in consultation with the Housing Trust and Community Preservation Committee.

*Resources Required:* Fees will vary according to what strategies are undertaken and the scope of services. Community Preservation funds could cover the costs associated with this new position as long as all program activities are eligible under CPA. Part-time Housing Specialists tend to earn within the \$25,000 to \$35,000 range.

#### *1.c Capitalize the West Boylston Municipal Housing Trust Fund*

The Town should continue to pursue opportunities to capitalize the Housing Trust to enable the Trust to competitively respond to market opportunities as they arise. Thus far the Housing Fund has received about \$50,000 in funds.

Additional funding could be raised from a number of resources including further payments in-lieu of units for the if an inclusionary zoning bylaw were passed, negotiations with developers, private donations and a regular commitment of each year's CPA revenue to affordable housing, e.g., 10% to 25%, in order to fund local affordable housing initiatives. For example, Scituate recently approved the transfer of \$700,000 currently reserved for housing in its Community Preservation Fund to their new Housing Trust Fund. This funding will provide a big boost to Scituate's efforts to begin investing in the implementation of their recently-approved Housing Production Plan. The Grafton Housing Trust receives 10% of the annual CPA allocation but is also encouraged to approach the CPC for additional CPA funding on special initiatives, and other municipalities have done the same. Harwich funnels

payments from its cell tower lease to its Affordable Housing Fund and also sold a piece of property, the proceeds of which were dedicated to its Housing Fund.

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen in consultation with the Housing Trust and Community Preservation Committee.

*Resources Required:* As much funding as can be raised to build the Trust's capacity to implement this Housing Plan.

*1.d Develop and adopt a Comprehensive Permit Policy.*

The town should consider adopting a Comprehensive Permit Policy based on ideas and contributions from the various town planning and housing boards, partnerships and Master Plan Committee. The Policy provides information to developers on the expectations of the town with respect to comprehensive permit applications including desired outcomes, minimum performance standards and possible trade-offs that the town might be willing to make in negotiations with developers.

Such a Policy should be a helpful tool for promoting greater cooperation between the town and private for profit and non-profit developers on affordable housing production while protecting the town from inappropriate development. Through such a Policy, the developer can anticipate greater predictability in what the town is willing to approve, and the town should be able to better obtain new affordable units that meet locally established development criteria that help it meet local needs and production goals. It can be helpful to integrate specific design criteria to also better guide new development and insure that such development is harmonious with the physical character of West Boylston.

The Policy should be developed to insure that it is in line with the housing needs, production goals and strategies included in this Housing Plan, the 2005 Master Plan as well as state guidelines. The Policy should be revisited regularly for consistency with town vision and goals. There are other models of such Housing Guidelines or Policies that can also be referred to, elements that might be adapted to West Boylston (e.g., Acton, Dennis, and Grafton).

*Timeframe:* Priority A

*Responsible Party:* Board of Selectmen in consultation with the Housing Trust and Zoning Board of Appeals. It may be practical to form an Ad Hoc Task Force to develop the Policy including representatives from the Planning Board, Zoning Board of Appeals, Housing Partnership, Housing Trust, Board of Health, etc.

*Resources Required:* Volunteer time from various town boards and committees with potential support from the proposed professional staff person or a consultant, both eligible for CPA funding.

*1.e Regional Collaboration*

The Town Managers/Administrators of West Boylston, Boylston, and Sterling have obtained District Local Technical Assistance (DLTA) from the Central Massachusetts Regional Planning Commission (CMRPC) for help in developing a regional approach to addressing a variety of housing-related issues. The project, commencing in March 2010, will survey each town's housing resources and needs. The end result will likely be a set of best practices for the various communities to adopt and follow. Presumably these would be widely transferable to other communities. In addition, by establishing a sort of "coordinating council" the activities in all participating towns would have information-sharing across municipal borders, theoretically improving communication among the affected towns and departments.

*Timeframe:* Priority A

*Responsible Party:* Town Administrators of the 3 towns in consultation with the Housing Partnership and Housing Trust.

*Resources Required:* Volunteer time from various town boards and committees with support from CMRPC.

*1.f Negotiate fees from developers for peer review on comprehensive permit projects*

Request that developers pay a reasonable fee to the town for peer review services when the Zoning Board of Appeals receives a comprehensive permit application. Peer review consultants retained by and reporting directly to the Zoning Board of Appeals will most likely be perceived as independent and neutral.

The town should always retain a qualified consultant to analyze the development pro forma. The purpose of Chapter 40B is to remove regulatory barriers to low- and moderate-income housing development. Developers may seek relief from local regulations that make affordable housing uneconomical to build, but they are not entitled to relief that exceeds what is required to make a project feasible. In turn, the town must be clear about its expectations for comprehensive permit developments. For example, it is almost always possible to reduce the density of a proposed development by increasing housing sale prices to the maximum that is theoretically affordable to a moderate-income household. However, if West Boylston wants to provide housing for a mix of incomes, increasing the sale price of homes in order to reduce density would seem to conflict with that goal. If lower density is more important than sale price and income targets, then a pro forma analysis will help the town negotiate successfully toward that end. In addition, an analysis by a qualified consultant will be crucial to West Boylston's credibility in a Housing Appeals Committee (HAC) proceeding.

The town should also retain a registered architect and landscape architect to review the proposed site plan and elevations. Design quality and compatibility will be crucial to the success of affordable housing endeavors in West Boylston. Emphasizing aesthetics and site planning principles is as important as controlling density.

*Timeframe:* Priority A

*Responsible Party:* Zoning Board of Appeals

*Resources Required:* Donated time of members of the Zoning Board of Appeals.

## **2. MAKE ZONING AND PLANNING REFORMS**

Housing production is contingent not only on actual development projects but on the planning and regulatory tools that enable localities to make well informed decisions to strategically invest limited public and private resources. To most effectively and efficiently execute the strategies included in this Plan and meet production goals, some greater flexibility will be needed in the town's Zoning Bylaw, and new provisions, in tandem with good planning practices, will be required to capture more affordable units, direct growth to the most appropriate locations, and expeditiously move development forward to completion.

West Boylston's zoning reforms will be required to better promote and guide new residential development.

The Town of West Boylston should consider the following planning, regulatory and zoning-related strategies to encourage the creation of additional affordable units. These actions can be considered as tools in a toolbox that the community will have available to promote new housing opportunities, each applied to particular circumstances and providing a powerful group of resources when available in combination.

*2.a Promote Greater Diversity of Permitted Housing Types*

West Boylston has enacted a number of progressive zoning bylaws that already promote a diversity of housing types including:

- Accessory Apartment bylaw (Section 3.4)
- The Multi-story Bylaw (Section 2.8)
- The Continuing Care Retirement Community Overlay District (Section 2.9) and
- The Incentive Zoning bylaw (Section 3.10)

Allowed zoning conditions should be broadened to diversify housing options, including more types of housing in more areas, accompanied by design guidelines where appropriate. While market conditions have softened somewhat, housing prices remain high, particularly prices related to new development. Offering density bonuses for affordable housing and allowing a wider range of housing types will result in public benefits associated with broader private development options and more opportunities for affordable units. Proposed changes to the current bylaw for consideration and possible further exploration include:

- Allow two-family homes or duplexes as-of-right.
- Facilitate single-family to multi-unit conversions for large residences built prior to 1950, such as allowing up to three (3) units by right, subject to a site plan and design review by the Planning Board and an affordable housing use restriction for at least one (1) unit and allowing up to four (4) units by special permit from the Planning Board, including site plan and design review, subject to an affordable housing use restriction for at least one (1) unit.
- Create an Overlay District with incentives to allow the development of “cottage housing”, a popular development style on the West Coast that features small, single-family cottages clustered on a single lot around a small common green. Such development might also accommodate several income tiers including affordable, workforce (for those earning above 80% of area median income but within 100% or 120% of area median), and market units.
- Allow artist work/studio space and assisted living developments by Site Plan Administrative Review with at least a 15% affordability requirement for either one (allowed density to be determined).

*Timeframe:* Priority B

*Responsible Party:* Planning Board with input from the Housing Partnership and Housing Trust.

*Resources Required:* This strategy requires zoning amendments that will need to be overseen by the Planning Board and drafted by a consultant that could be paid through CPA funding. As another option, Central Massachusetts Regional Planning Commission (CMRPC) could be contacted for assistance with drafting proposed by-law changes.

## *2.c Promote mixed-use development*

West Boylston’s Zoning Bylaw does not explicitly allow mixed-use development, however the town’s Master Plan explicitly state that the village design concept is an important one and strongly endorses affordable housing in established village areas. The Economic Development chapter of the Master Plan encourages taking steps to preserve the Oakdale village and the Pinecroft area. West Boylston is home to mostly small businesses, many are professional offices in attractive residential –looking buildings.

Creation of Village District.... expand

The Planning Board should explore bylaws for promoting mixed residential and commercial uses in the Oakdale area and the Pinecroft area and prepare a zoning amendment that best meets the Town’s needs. This bylaw, as

with any zoning amendments, would be submitted to town meeting for approval. This would add to the vitality of these areas and follow “smart growth” principles.

Another option would be for the town to include in its Comprehensive Permit Policy design guidelines on mixed-use development and to process acceptable mixed-use development projects through the “friendly” 40B process as established under the state’s Local Initiative Program (LIP).

*Timeframe:* Priority B

*Responsible Party:* Planning Board

*Resources Required:* In addition to the donated time of the Planning Board, this strategy will likely require staff time from the proposed professional staff person and/or potential input from a consultant, the costs of which can be covered by CPA funding. Additional state support and guidance on a community education campaign would also be extremely helpful.

#### *2.d Modify the Incentive Zoning bylaw*

The town approved the Incentive Zoning bylaw in May 2006. The law encourages housing production and offers density bonuses for affordable housing. The bylaw could be strengthened to require affordable housing or equivalent compensation for developments over a certain number of units. This would give the bylaw more of an inclusionary zoning bylaw.

*Timeframe:* Priority B

*Responsible Party:* Planning Board

*Resources Required:* In addition to the donated time of the Planning Board, this strategy will likely require time from the proposed professional staff person and/or potential input from a consultant, the costs of which can be covered by CPA funds.

#### *2.e Adopt an Open Space Residential Design bylaw*

As suggested in its Master Plan, West Boylston should consider adopting an Open Space Residential Design Bylaw that permits a reduction of lot dimensional requirements and clustered developments with considerable open space for passive or active recreational space. Such provisions promote a “smarter” and more compact type of development pattern as units are built in a cluster instead of the conventional grid pattern, allowing higher density on a portion of the site and creating permanently restricted open space. A number of developments have used this bylaw, with clusters of housing scattered throughout the community.

The bylaw should incorporate the requirements of the inclusionary zoning or incentive zoning bylaw and include sufficient incentives for including affordable housing. The town should consider density bonuses for the integration of some amount of affordable housing and workforce housing into the bylaw and reduce some of the limits on multi-family dwelling types as well. More incentivized density bonuses and affordability requirements should encourage mixed-income development and better support project feasibility.

*Timeframe:* Priority B

*Responsible Party:* Planning Board

*Resources Required:* The Planning Board should coordinate this effort with other appropriate local officials, drafting the zoning amendment and coordinating the necessary approvals towards implementation.

*2.f Create an Inventory of Properties Potentially Suitable for Affordable Housing*

This Housing Plan includes a preliminary list of potential public sites that may be suitable for the development of housing, including some amount of affordable housing. A more comprehensive review of existing properties would be helpful to determine future opportunities for creating affordable housing in West Boylston and meeting the production goals included in this Housing Plan.

The Housing Partnership should fully review the inventory of town-owned property and determine which parcels, if any, might be appropriate for affordable housing or a mix of uses with affordable housing integrated into another municipal use or open space preservation. Moreover, affordable housing should be integrated into the town's Open Space and Recreation Plan by identifying lands of conservation interest that would be suitable candidates for a mixed-income limited development project if the sites were acquired as open space. Other communities, such as Carlisle and Boxford, have acquired properties with CPA funding for a mixed of uses, including affordable housing, athletic fields and open space, for example.

After some initial environmental testing and other preliminary feasibility analyses (the costs of which can be covered by CPA funds), the town would declare any identified municipally-owned parcels as surplus and convey to the Housing Trust following town meeting approval. The Trust would then follow the basic process outlined in strategy 3.a, eventually conveying individual parcels to a developer based on prescribed terms and conditions for the development of affordable housing or mixed-income housing. The town should also consider what privately held properties might be suitable for affordable housing and work with existing owners to develop or acquire<sup>9</sup>. Opportunities for acquiring additional property through the tax foreclosure process should not be overlooked as well.

*Timeframe:* Priority A

*Responsible Parties:* Housing Trust and Housing Partnership

*Resources Required:* Donated time of various town boards and committees, including the Housing Partnership and Housing Trust, as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to provide support.

### 3. PARTNER WITH DEVELOPERS TO PRODUCE NEW AFFORDABLE HOUSING UNITS

The Town of West Boylston, through its Housing Partnership and Planning Board, should work cooperatively with developers of affordable housing, including non-profit developers as well as private developers that have established impressive track-records in producing housing, to offer greater housing choices for area residents. The town would welcome proposed projects of such scope and attractiveness that comply in general with development policies (see strategy 1b) and meet the town's priority housing needs (see Section II.G). The town, in turn, can be an active partner throughout the development process through the following key activities:

*3.a Provide suitable public property for development*

The contribution or "bargain sale" of land owned by the town or other public entities but not essential for government purposes is a component of production goals, and this Plan includes a list of potential parcels that might be developed to include affordable housing (see Section III.A of this Plan for the list of properties under

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<sup>9</sup> Acquisition could occur directly through the proposed Housing Trust or through in collaboration with a developer.

preliminary consideration). This Plan also includes a strategy to review current holdings and determine what, if any, properties (land or buildings) might be suitable for some amount of affordable housing (see strategy 2.f). Final determination of the use of these parcels for affordable housing is subject to a more thorough feasibility analysis of site conditions, and town meeting approval is required for the conveyance of town-owned properties. The town should then prepare and issue a Request for Proposals (RFP) for developers that includes project guidelines (e.g., approximate size, density, ownership vs. rental, target market/income mix, level of affordability, design issues, community preference criteria, siting, financing available, ownership and management, other stipulations) and selection criteria. It will also be important for the town to meet with the state's Department of Housing and Community Development (DHCD) at this juncture or even before to discuss the project and obtain their early input into project financing options.

*Timeframe:* Priority B

*Responsible Parties:* Board of Selectmen with input from the Housing Trust

*Resources Required:* Donated time of various town boards and committees, including the Housing Partnership, as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to provide support.

### *3.b Offer predevelopment funding*

As mentioned above, it is useful to do some due diligence to insure that the development will be feasible, particularly given site conditions. The Housing Trust can apply for CPA funding to undertake important environmental testing and maybe even some early design work or financial feasibility analyses. Sometimes title issues need to be resolved as well. Many communities use CPA funding to support this type of predevelopment work as input into the RFP process mentioned above. Typically, the more information developers have in responding to RFP's, the better the proposals.

*Timeframe:* Priority A

*Responsible Parties:* Housing Partnership/Community Preservation Committee

*Resources Required:* CPA funding or possible Housing Trust Funds. Also, donated time of the Housing Trust as well as the potential involvement of the proposed professional staff person, another municipal official or a consultant to coordinate necessary logistics to hire necessary professionals to conduct this predevelopment work.

### *3.c Support permitting through advocacy*

Projects may require densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw, and the selected developer may be able to obtain this relief through normal channels, if community support is likely, or use the "friendly" comprehensive permit process through DHCD's Local Initiative Program (LIP), for example. The designated developer is responsible for obtaining regulatory approvals, however, the Housing Trust can be extremely helpful in lending local advocacy support through the regulatory approval process.

*Timeframe:* Priority A

*Responsible Parties:* Housing Trust

*Resources Required:* Donated time of Housing Trust members and the potential involvement of the proposed professional staff person or another municipal official.

### *3.d Provide gap financing to leverage project financing*

The designated developer will ultimately be responsible for obtaining project financing, including both public and private sources. Support from the Board of Selectmen and Housing Trust will be important, and letters of support from them both will be critical in applying for subsidies where needed. Local funding that demonstrates the community's continued investment in the project sends a strong signal to funders, making the project more competitive. Such funding, typically CPA money in the case of small towns, often provides the last "gap filler" to make projects feasible and the key leverage to secure necessary financing. It should be noted that most competitive state funding programs strongly urge that regulatory approvals be in place before funding applications are submitted. The developer and town representatives should also meet with DHCD to discuss progress and once again obtain input on development options and financing prior to applying for funding.

Another potential resource that the town might access is HOME funding.<sup>10</sup> Because West Boylston is not an entitlement community, meaning that it is not automatically entitled to receive HOME funding based on HUD's funding formula, the town would need to join a consortium of other smaller towns and cities to receive annual funding or apply directly to the state on a project by project basis. The closest consortium is the one based in Newton. Funding in the Newton consortium is divided by formula with a set amount designated for each participating locality to commit within two (2) years and expend within five (5) years. In order to qualify to be a part of the Newton consortium municipalities must be geographically contiguous to another participating locality. Most of the towns participating in the Newton HOME Consortium have used the funds to support first-time homebuyer programs.

In addition to serving proactively in these key activities, the town can promote certain housing types and smart growth development through zoning as well as active interaction with property owners and developers to identify development opportunities such as accessory apartments, the conversion of existing housing into long-term affordability (see strategy 4.a), cluster development with affordable units (see strategy 2.c), adaptive reuse (see Section III.A), mixed-use development (see strategy 2.c), and new scattered infill sites as well.<sup>11</sup>

*Timeframe:* Priority A

*Responsible Parties:* Housing Trust and Community Preservation Committee

*Resources Required:* Continued donated time of committee members as well as time from the town's CPC Coordinator and proposed professional staff person (see strategy 1.b) in addition to CPA funds, possible Housing Trust Funds, and the donation of town-owned parcels for a nominal price.

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<sup>10</sup> HUD created the HOME Program in 1990 to provide grants to states, larger cities and consortia of smaller cities and towns to produce rental housing; provide rehabilitation loans and grants, including lead paint removal and accessibility modifications, for rental and owner-occupied properties; offer tenant-based rental assistance (two-year subsidies); and assist first-time homebuyers.

<sup>11</sup> The town of West Boylston is interested in promoting new housing on small lots scattered through existing villages and neighborhoods in an effort to have new affordable units blend into the fabric of the community where possible. Development models like Habitat for Humanity's new homes would fit in very well with this development strategy.