

West Boylston Housing Production Plan
7/10/2013

EXECUTIVE SUMMARY

West Boylston has a unique set of challenges in terms of development presented by the presence of substantial state-owned property. Currently the Department of Conservation and Recreation owns almost 3,500 acres of the total area of West Boylston, representing 39% of the town. In addition, Worcester County Sheriff's Department owns over 240 acres. Together with the majority of municipal lands, these properties are unavailable for housing development.

West Boylston has constructed 58 Subsidized Housing units from 2002 to 2012. This amount fails to meet the desired goal of 10% of its housing stock to be Subsidized Housing as defined by the state i.e. housing subsidized by state or federal funding or created through a Local Initiative Program (LIP see Appendix A). The addition of two Continuing Care Retirement Communities during this period: Hillside Village and Angell Brook, have created 241 market rate housing units (not part of the Subsidized Housing Inventory (SHI)).

The Town of West Boylston currently has 130 Subsidized Housing Units out of its total of 2,729 year-round housing units, or 4.76%. The State goal of 10% is not considered the preferred condition in West Boylston. Within Chapter 40B regulations, 760 CMR 56.03(b) describes an Alternative Compliance Standard of General Land Area. Meeting this standard affords the community the same authority as if the town met the 10% goal.

This **Alternative** compliance standard of Chapter 40B is to have 1.5% of the 'available land' be associated with the SHI properties. Due to the large percentage of state and municipally-owned property, as well as mapped floodplains and property with perpetually-deeded building restrictions, the town has 1.6% of its available land in approved SHI housing. Reaching this standard enables the West Boylston ZBA to exercise the option to deny 40B applications on the basis that they are considered consistent with local need.

As detailed in Table 21, the town needs to have 55.4 acres of land in approved Subsidized Housing, and currently the town has 58.1 acres as shown in Table 22. Therefore the Zoning Board of Appeals may exercise their option to deny a proposed 40B project.

The Town of West Boylston is an attractive residential area offering both the advantages of small-town life with the convenience of highway access to urban Worcester, metro-West Boston and cities of the north County, Leominster and Fitchburg. The presence of the Wachusett Reservoir provides vistas of natural beauty and preserved open space but at the same time creates unique challenges to land development for residential growth.

Through its 2005 Master Plan, Open Space and Recreation Plan (2009), Economic Development Plan (2011) and this Housing Production Plan, West Boylston desires to provide housing options for a diverse range of households while preserving its vision of a community rural in character. The townspeople have expressed the need for greater control over its growth and greater transparency in decision-making. This five year Housing Production Plan intends to provide increased understanding and coordinate the local approach to housing development to meet the needs of our residents and those who would choose to live in West Boylston. It describes actions to empower town officials to work with developers of our choosing to create Subsidized

Housing units that are consistent with our town's character and needs and eligible to be included in our Subsidized Housing Inventory (SHI).

Just over 50% of the housing stock in West Boylston is on quarter acre lots or smaller. Based on the 2012 Assessor Data for the value of housing in West Boylston, and an adjusted price for a Subsidized 3-bedroom apartment of \$173,400, more than 18 percent of the existing housing stock of West Boylston is affordable in terms of price. However these homes are not counted in the SHI because they do not meet state criteria as articulated in Chapter 40B. However, the Town considers these housing units as part of the affordable housing inventory available to residents. This causes confusion and some consternation in the minds of West Boylston citizens who have expressed, "If a house is affordable in terms of pricing, why is it not considered "Affordable" by the DHCD?".

The town has identified town-owned properties as potential Subsidized Housing sites. These sites alone will not solve the housing needs, but provide good opportunities to work cooperatively with trusted proponents. These include:

- The former town hall or Mixter building on Prescott Street
- The rear portion of the Orchard Knoll Public Housing site on Maple Street.
- The former land on Sterling Street that served as the septic system for the town offices (Mixter building).
- The one acre lot at 480 Prospect Street.

To achieve its goals the town has been proactive, with the citizens of West Boylston supporting actions that encourage creation of Subsidized Housing.

- Town Meeting voted in favor of an Incentive Zoning Bylaw (2006 and modified in 2011) encourages developers to provide Subsidized Housing in exchange for increased density in their projects, and an Open Space Residential zoning bylaw (2010) to allow for greater density while preserving open space.
- The Town adopted the Community Preservation Act (2007) which allocates a minimum of 10% of the funds raised toward the creation of Subsidized Housing.
- Town Meeting (2012) allocated CPA funds for the hiring of a Community Housing Specialist to bring professional expertise to our housing planning and projects.
- To increase efficiency of time and talent the citizens voted to merge the Housing Partnership created in 2005 with the Affordable Housing Trust (2009) whose charge is to plan for the Subsidized Housing needs of the community.
- The Town is in the process of developing a regional approach to housing planning and development initiatives through collaboration with the towns of Boylston and Sterling.
- With technical assistance from the Central Massachusetts Regional Planning Commission, a Housing Planning and Development Plan for Boylston, Sterling and West Boylston was created in 2010 and a tri-town planning committee has been created in 2011.
- This Housing Production Plan was underwritten by a grant from the Legislature's District Local Technical Assistance funding program.

Planning for housing is an inexact science. Economic factors, growing demand for environmentally conscious housing, protection of natural resources, population trends, an aging population and the availability of public services such as water, sewer, and public transportation influence all planning and their impact is difficult to predict. The town has drafted the following goal and four strategies to give shape and direction to this Housing Production Plan

Implementation of the strategies will help the town meet the needs of low and moderate income households through Local Initiative programs.

Subsidized Housing Goal and Strategies for West Boylston

The subsidized housing goal of the town of West Boylston is to produce 0.5% of its year round housing units over one year, 1.0% of its year round housing units over 2 years, or 0.3% of its land area minimum per year. Given the 2010 census data, West Boylston will produce 14 units each year or 28 units over two years, or 26.5 acres of land for Subsidized Housing annually.

Subsidized Housing Production Strategies:

1. Preserve existing Subsidized Housing
 - a. Monitor and maintain Subsidized Housing Inventory
 - b. Help qualified residents access housing assistance
 - c. Help homeowners with rehabilitation and financing assistance.
2. Coordinate Zoning and Planning
 - a. Promote mixed-use development
 - b. Promote use of Residential Cluster Development
 - c. Create inventory of properties suitable for Subsidized Housing
3. Build Local Capacity to Promote Subsidized Housing
 - a. Coordinate and streamline housing efforts
 - b. Secure professional support
 - c. Capitalize the Affordable Housing Trust Fund
 - d. Establish a Comprehensive Permit Policy
 - e. Capitalize the Affordable Housing Trust Fund
 - f. Participate in regional collaboration
 - g. Negotiate peer review fees of comprehensive permit applications
4. Partner with developers to produce new Subsidized Housing
 - a. Provide suitable town-owned property
 - b. Consider reuse of County-owned land at the Hospital
 - c. Offer predevelopment funding
 - d. Support permitting with advocacy
 - e. Provide support and gap financing to leverage project funding.

This plan is intended to meet the requirements for a Housing Production Plan (See Appendix A) set by the DHCD, and to provide a guide to coordinate local officials' actions to meet the housing needs of town residents. Thus our hope is that this Housing Production Plan meets the criteria for DHCD approval.

INTRODUCTION

The Department of Housing and Community Development (DHCD) under 760CMR 56.03 (4) has established requirements for the preparation of Housing Production Plans (HPP). This plan was written to meet these requirements.

This Housing Production Plan (HPP) for the town of West Boylston combines available information to document the needs of the community to provide direction to coordinate actions of all the housing development agents, boards, commissions and committees. It will outline the intention of the town to create Subsidized Housing units eligible to be included in our Subsidized Housing Inventory (SHI) and remain consistent with our town's character and needs.

This HPP contains a comprehensive housing needs assessment, articulates Subsidized Housing goals, and outlines strategies to make these goals a reality. The document will provide data and analysis of current demographic and housing conditions, land constraints as they impact development, and other factors which influence residential growth. The HPP gives the town direction and a path toward meeting to meet West Boylston's housing needs.

Thus the purpose of this plan is threefold:

1. Provide a 5-year work plan for the town to develop mixed-income Subsidized Housing and reasonably priced housing for its people while minimizing the financial burden to the community.
2. Fulfill the requirements of 760 CMR 56.03(4) Planned Production Regulation, and document compliance with the Alternative General Land Area standard.
3. Become eligible for "Certified Community" status, if the required numbers of housing units are produced.

This plan confirms that the town of West Boylston has met the 1.5% SHI land area standard, and thus may deny or condition a Comprehensive Permit which it believes is not "consistent with local needs".

Once HPP is approved by the DHCD, the town must produce the projected number of units in one year and then submit a request for certification to the DHCD. If the town achieves Certification, then the town may deny a Comprehensive Permit which it believes is not "consistent with local needs".

This HPP was completed by the townspeople with assistance from Central Massachusetts Regional Planning Commission (CMRPC) who provided technical assistance. Financing for this assistance came through a grant from the West Boylston Community Preservation Fund. The HPP draws heavily from the 2010 Census data, the Town's 2005 Master Plan and the Open Space and Recreation Plan.

SUBSIDIZED HOUSING GOALS

The most current versions of West Boylston's Master Plan (2005) and its Open Space and Recreation Plan (2009) provided the framework upon which the Housing Goals have been structured. The goals for Subsidized Housing in West Boylston are:

- Produce 0.5% of its year-round housing units over one year or 1.0% of its year-round housing units over 2 years to meet the Chapter 40B Subsidized Housing standards.
- Provide a variety of housing options that meet the incomes, needs, and lifestyles of a diverse population.

- Provide a supply of housing that is affordable and addresses the needs of our young adults, municipal employees, and senior citizens who wish to remain in town.
- Provide documentation of the housing needs within West Boylston.
- Coordinate the efforts of all housing related agents of the town.

REGIONAL CONTEXT

West Boylston is a small residential suburb north of the city of Worcester, Massachusetts, the second largest city in New England. Located in Central Massachusetts, north of Worcester, south of Sterling, east of Holden, and west of Boylston, the town is accessed by state Routes 12, 140 and 110 as well as Interstate 190. A railway traverses the town and is used daily for freight only, no passenger traffic.

The town contains a large portion of the Wachusett Reservoir, which supplies drinking water for 2.2 million people in Metropolitan Boston. The water and protected lands surrounding it account for almost 40% of the total area of West Boylston and are owned by the Massachusetts Department of Conservation and Recreation (DCR). The presence of the DCR provides the town with significant open spaces and beautiful vistas of natural beauty. The DCR property ownership presents challenges as the town considers land development since it limits the availability of land for large developments projects, but it also helps the Town to meet the 1.5% available land standard.

POPULATION CHARACTERISTICS AND TRENDS (DEMOGRAPHICS)

In the 30 years from 1940 to 1970, the Town's population tripled, growing from 1,822 to 6,369. The greatest period of growth occurred in the 1950s, when the population grew 115%. In the 1970s the population decreased by 2.6%, while the 1980s reversed this trend and the population grew 6.6%, reaching a total of 6,611 in 1990 (including 841 inmates at the County House of Corrections (WCHC)). If the population at the WCHC is excluded, the population decreased by 166 persons, a change of -2.7%, in the 1980s. From 1990 to 2000, the town's population, excluding inmates, grew by 550 persons reaching 6,320, which was an 8% increase, establishing the highest growth rate since 1970. More currently, from 2000 to 2010, the population, excluding inmates, has increased by 2.8% or 211 persons.

Since 1970, West Boylston's population has grown a total of 162 persons, excluding the population of WCHC. This is a total increase in population of 2.5 percent in 40 years, based on US Census Bureau statistics.

Table 1 - West Boylston Population Data

Year	POPULATION			Total Population		WITHOUT Inmates	
	Total	Inmates	Citizens	Population	% Change	Population	% Change
1940	1,822	-	1,822	-	-	-	-
1950	2,570	-	2,570	748	41.1	748	41.1
1960	5,526	-	5,526	2,956	115.0	2,956	115.0
1970	6,369	0	6,369	843	15.3	843	15.3
1980	6,204	268	5,936	-165	-2.6	-433	-6.8
1990	6,611	841	5,770	407	6.6	-166	-2.7

Year	POPULATION			Total Population		WITHOUT Inmates	
	Total	Inmates	Citizens	Population	% Change	Population	% Change
2000	7,481	1,161	6,320	870	13.2	550	8.3
2010	7,669	1,138	6,531	188	2.5	211	2.8

(US Census Bureau, 2010)

The Town of West Boylston population gains between 2000 and 2010 included nursing home expansions, "Other Non-Institutional" group quarters type, which includes group homes, shelters, and religious group quarters. (UMass Donahue Institute Economic and Public Policy Research Unit, 2008). The permitting and/or construction of over 300 housing units of "over-55 Condominiums" and Nursing-Assisted facilities contributed to the increase in population. West Boylston is proud to have 752 Civilian veterans (12.7% of its population over age 18).

Table 2 – Comparative Population Changes 1970-2010

Census Year	USA		MA		Worcester County		West Boylston	
	Number	Decade Change	Number	Decade Change	Number	Decade Change	Number	Decade Change
1940	132,283,502	-	4,316,721	-	504,470	-	1,822	-
1950	151,807,343	14.8	4,690,514	8.7	546,401	8.3	2,570	41.1
1960	180,697,596	19.0	5,148,578	9.8	583,228	6.7	5,526	115.0
1970	204,949,762	13.4	5,689,170	10.5	637,969	9.4	6,369	15.3
1980	227,541,351	11.0	5,737,037	0.8	646,352	1.3	6,204	-2.6
1990	249,635,718	9.7	6,016,425	4.9	709,705	9.8	6,611	6.6
2000	281,421,906	12.7	6,349,097	5.5	750,963	5.8	7,481	13.2
2010	308,745,538	9.7	6,547,629	3.1	798,552	6.3	7,669	2.5

(US Census Bureau, 2010)

<http://www.census.gov/population/www/censusdata/PopulationofStatesandCountiesoftheUnitedStates1790-1990.pdf>

Figure 1 depicts the population in West Boylston from 1940 to 2010. The sharp increase in population in West Boylston during the 1950s corresponds with the timeframe for construction of I-290. This roadway passed through neighborhoods in Worcester having residents of Italian descent who, anecdotally, relocated to the newly-constructed properties constructed in West Boylston.

The town-wide population density, excluding the WCHC, shows the impact of the more dense southern area of town to offset the open spaces owned by DCR. The regional comparative population densities use the total area of the municipalities and do not represent conditions found in any specific municipality. The generalized town-wide population, spread over the whole area of the town, including water bodies as calculated in Table 3 is 472 persons per square mile (not including inmates). These general densities are listed for the region in Table 3 for comparative purposes.

Figure 1: West Boylston Population

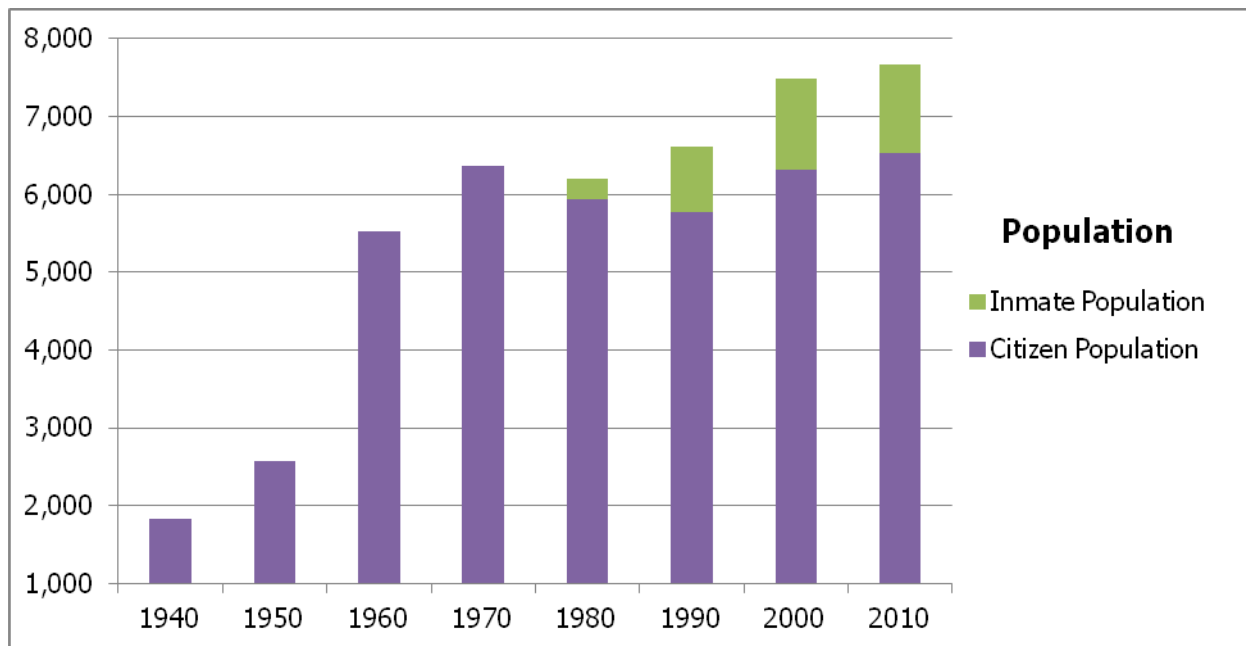


Table 3 - Population Density Comparison - Year 2010

	MA	Worc. County	Boylston	Holden	Shrewsbury	Sterling	W. Boylston Total No Inmates		Worcester
Total Popul.	6,547,629	798,552	4,355	17,346	35,608	7,808	7,669	6,531	181,045
Persons Per Square Mile	620	528	221	479	1,646	247	555	472	4,695

(US Census Bureau, 2010)

It is clearly visible that the population within the town is unevenly distributed as shown in Figure 2 (attached at the end of the Plan) which depicts the 2012 Precinct Boundaries from the Town Clerk's records. A better representation of the density within West Boylston is shown in Table 4. The population density by precinct in town is calculated to be 1,357 persons per square mile (including inmates) in Precinct 1, and 324 persons per square mile in Precinct 2.

Table 4 – 2010 Population Density Within West Boylston

	Town Area (Sq. Miles)	Population	Persons/Sq.Mi.	DCR Ownership (Acres)	DCR Ownership (%)
Precinct 1	3.1	4,206	1,357	105	5.3
Precinct 2	10.7	3,463	324	3,371	49.2
Total	13.8	7,669	555	3,476	39

(US Census Bureau, 2010, West Boylston Assessors, 2012)

The population density in town is greatly impacted by the open space owned by the DCR. This includes properties owned in fee and does not include those with Watershed Preservation Restrictions that prohibit development on the property.

Age Distribution

Housing needs change as people age. Therefore assessing the age breakdown of the population and the recent changes to these data is a good predictor of housing needs. The major population changes from 2000 to 2010 showed a drop in the Under 15 population by 4.0%, with a significant drop in population from the 25-44 age group of 8.0%. These drops are offset by increases in the 45-64 and 'over-65 age' groups of 10.9% and 2.9%, respectively. The needs of the young and old raise particular concerns for town planning, with the housing needs of an aging population tend to trend toward down-sizing and simplifying. This is currently a significant need in the Town and is expected to increase. The population by age group for historic data and calculation of the recent trends are presented in Tables 5 and 6.

Table 5 – Historic West Boylston Population By Age Group

	1960		1970		1980		1990		2000		2010	
Age Group	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under 15	1,980	35.8	1,843	28.9	1,152	18.6	1,047	15.8	1,323	17.6	1,041	13.6
15 - 24	501	9.1	1,005	15.8	1,097	17.7	907	13.7	913	12.2	800	10.4
25 - 44	1,664	30.1	1,407	22.1	1,653	26.6	2,217	33.5	2,446	32.7	1,896	24.7
45 -64	990	17.9	1,573	24.3	1,573	25.4	1,359	20.5	1,698	22.8	2,586	33.7
Over 64	391	7.1	567	8.9	729	11.7	1,081	16.3	1,101	14.7	1,346	17.6

(US Census Bureau, 2010)

The median age of the population was significantly higher in the 2010 census at 45.6 years than in 2000 at 38.4 years. The greatest change in population occurred in the 45-64 age group. Significant construction that occurred between the 2000 and 2010 census provided extensive housing options for the 'over-55' age group that is clearly reflected in the shift in population by age groups. Between 2002 and 2007, 254 units of over-55 housing were permitted at Hillside Village and Angell Brook developments. Though providing a significant number of over-55 housing, these developments were priced at more than 120% of the market rate and no subsidized units have been constructed.

The population under 25 (school-aged children) has dropped by 395 persons, (a 17.5% reduction) from 2000 to 2010. This reduction has allowed the West Boylston School system to take in "School Choice" students, which benefits the system by providing additional revenues. Increased student populations may marginally impact the finances, but there is adequate capacity within the existing school facilities. Even if there was no capacity within the schools and a housing proposal included a significant increase in students, the State would not consider this to be justification to deny a comprehensive permit application.

Table 6 – West Boylston Population Change By Age Group 2000-2010

Age Group	2000		2010		2000-2010 Change	
	No.	% of Total	No.	% of Total	No.	Percent
Under 15	1,323	17.6	1,041	13.6	-282	-21.3
15 - 24	913	12.2	800	10.4	-113	-12.4
25 - 44	2,446	32.7	1,896	24.7	-550	-22.5
45 -64	1,698	22.8	2,586	33.7	888	52.3
Over 64	1,101	14.7	1,346	17.6	245	22.3
Median Age	38.4	-	45.6	-	7.2	-
Totals	7,481	100	7,669	100	188	2.5

(US Census Bureau, 2000 and 2010)

There was a reduction of 22.5% in the population aged 25-44. This age group is typically more mobile and desires a higher percentage of rental housing. Therefore, the current amount of rental units in town should be increased to provide more two- and three-bedroom rental units with a portion being at a subsidized rate.

The aging trend of the population will cause a greater demand for smaller, more affordable options when income declines and small units are more appropriate. Subsidized Housing options are important for some of the persons in this age bracket, as are the needs of the young adults trying to separate from their parents and still stay in their community.

Disabilities Population

Approximately 14.5% of the non-institutionalized residents over the age of 5 claim some disability status based on the 2000 Census (the 2010 data are not available.) Disability types include: lack of the ability to take care of oneself, employment, mental, physical, or sensory disabilities. Referring back to the 2000 data, one or more disabilities were imputed for 870 individuals. Of those, 285 were imputed to have a sensory disability, 323 were imputed to have a physical disability, and 403 were reported to have a self-care disability. Mental disabilities, which could be anything from a behavioral issue to serious mental illness, were imputed for 380 individuals. An employment disability, which could be physical on-the-job limitations or a job-related injury that makes someone unable to perform their work, was claimed for 335 individuals.

Table 7 – West Boylston Disability Population in 2000

Population	Percent
5 Years and Older with Disability	14.5
21 to 64 Years with Disability	12.0
65 Years and Over with Disability	35.7

(US Census Bureau, 2000)

Housing accommodations for persons with disabilities should be included in planning for the needs of the community. When creating elderly housing, a larger percentage should be produced with universal or adaptive designs.

There is a State-wide need for more units for families and disabled individuals. West Boylston's desire has been expressed to provide for existing residents, local employees and veterans. There is a local need for more units are accessible to disabled populations or the creation of units that can be handicapped adaptable for all age groups, but there is more demand from persons over 65 years. Knowing that there is little likelihood that Town residents will be able to qualify for the 'family units', the greater need for Town residents is development of elderly/disabled units.

INCOME AND POVERTY

In 2010, the median household income rose to \$79,906, an increase of 48% from 2000. West Boylston's median family income is lower than that of all communities surrounding it with the exception of the City of Worcester. The 2010 median household income of a homeowner household is \$85,351; with the median income of a rental household being \$49,688. The use of census data related to Households removes the potential skewing of the data that would occur when using Persons, which would include persons in WCHC and other group quarters.

Table 8 – Median Household Incomes of Region

Community	2000 Median Household Income	2010 Median Household Income
Boylston	67,703	88,214
Holden	64,297	88,405
Shrewsbury	64,237	85,697
Sterling	67,188	102,115
West Boylston	53,777	79,906
Worcester	35,623	45,036
Worcester County	47,874	64,152
Massachusetts	50,502	64,509

(U.S. Census Bureau, 2006-2010 American Community Survey and 2000 Census)

The income and benefits of residents reflect the range of character of townspeople. The portion of this number denoted as 'benefits' include income from public assistance, retirement income, and income from Social Security or Supplemental Social Security. The difficulty with a simple review of income and benefits is that the practices of the household relative to spending and saving are not considered. Clearly the households with annual incomes of less than \$25,000 would be more in need and would benefit from additional Subsidized Housing units.

Table 9 – Household Income and Benefits

Annual Income	Percent of Households
Less than \$10,000	2.1
\$10,000 to \$24,999	6.0
\$25,000 to \$49,999	23.3
\$50,000 to \$99,999	31.7
\$100,000 to \$199,999	32.9
More than \$200,000	4.1

(US Census Bureau, 2010)

The industry standard is that paying more than 30% of a household's income on housing and related expenses is considered unaffordable. The median income for residents in the 65-74 year age group is \$39,472. 30% of this amount cannot pay for housing, whether ownership or rental, and therefore represents a significant need for Subsidized Housing.

The poverty level is based on income and benefits at an adjusted amount dependent on the number of people in a family. The 2010 poverty levels are indicated in Table 10 as maximum annual income below which is considered 'poverty level'.

Table 10 - 2010 Poverty Levels (in dollars)

Size of Family Unit	Avg.	Related Children Under 18 Years						
		None	One	Two	Three	Four	Five	Six
One person (unrelated individual)	11,139							
Under 65 years	11,344	11,344						
65 years and over	10,458	10,458						
Two people	14,218							
Householder under 65 years	14,676	14,602	15,030					
Householder 65 years and over	13,194	13,180	14,973					
Three people	17,374	17,057	17,552	17,568				
Four people	22,314	22,491	22,859	22,113	22,190			
Five people	26,439	27,123	27,518	26,675	26,023	25,625		
Six people	29,897	31,197	31,320	30,675	30,056	29,137	28,591	
Seven people	34,009	35,896	36,120	35,347	34,809	33,805	32,635	31,351

(HUD, Worcester County, 2012)

The percentage of individuals living below the poverty level in West Boylston in 2010 was 3.6% as estimated by the ACS 5-year survey, while this number was 3.1% from the 2000 Census data. Comparisons between the two methods are not recommended, but they are relatively unchanged. These numbers appear to include inmates at the WCHC. The 2011 ACS 5-year Survey noted that 1.3% of households (does not include WCHC) received income from public assistance, while the 1999 Income portion of the 2000 Census data note that 0.9% received public assistance income. This trend is similar to abutting town information, though the increase could be associated with the change in surveying methods.

The 2006-2010 US Census Bureau data suggests that of the estimated 1,531 families in town, an estimated 1.4% lived below the poverty level. Of the estimated 191 female householder families with no husband present--including households with and without children--there were 11% below the poverty line. Of these, the 98 single parent mothers had a percentage of 21.4% living below the poverty level; and 94 of these had either 1 or 2 children under 18 years. This clearly indicates a need for subsidized units with 2 or 3 bedrooms within our community.

Table 11 – Families Living Below the Poverty Level in 2010

	Estimated Number of Family Units	Percent of Family Units Below Poverty Level
Family Units	1,531	1.4%
Family Units with related Children Under 18 Years	615	3.4%
Family Units with Female Householder (no husband present)	191	11.0%
Family Units with Female Householder and related children under 18 years	98	21.4%

(U.S. Census Bureau, 2006-2010 American Community Survey)

HOUSING CHARACTERISTICS

Though the population of West Boylston, excluding inmates, only grew a total of 2.8% from 2000 to 2010, the number of housing units documented in the Census data grew by 11.7%, from 2,458 to 2,746, as presented in Table 12.

Table 12 lists the distribution of housing units in various types of residential buildings in 2010 and 2000. In 2010, West Boylston's housing stock remains comprised mostly of detached single-family homes (73%), though the last decade's construction has reduced this percentage from 78%. The reduction in total number of units from 2000 to 2010 of 115 in Table 12 is a result of a change in the survey data sources and their data collection discrepancies. The specific numbers should not be compared, but the percentages between unit types from 2000 can be used as a reference to compare the 2010 data. An example of these survey discrepancies is the decrease in 5 to 9 unit structures from 2000 to 2010. These structures were not removed, but the definitions were changed. The increase in 1-unit attached structures (most often recognized as a townhouse) from 3.4% in 2000 to 9.9% in 2010 can be attributed to the construction of Afra Terrace and the over-55 townhouses in Hillside Village and Angell Brook developments. These data also show that common-wall or attached units (such as duplexes, townhouses, etc.) of all 1-to-4-unit structures constitute almost 20% of all homes in

Town. Large complexes of 5 to 9 units and 10 to 19 units account for 7.2% of the total units in 2010. No complexes of 20 or more units existed at the time of the 2010 ACS data collection.

Table 12 – Diversity of Housing Stock

UNITS IN STRUCTURE Unit Type	West Boylston 2000		West Boylston 2010	
	Number	Percent	Number	Percent
Total Housing Units	2,458	100.0	2,343	100
1-unit, detached	1,918	78.0	1709	72.9
1-unit, attached	84	3.4	232	9.9
2 units	138	5.6	132	5.6
3 or 4 units	111	4.5	101	4.3
5 to 9 units	88	3.6	54	2.3
10 to 19 units	119	4.8	115	4.9
20 or more units	0	0.0	0	0
Mobile home	0	0.0	0	0
Boat, RV, Van	0	0.0	0	0

(ACS, 2010, 5 Year DP04; US Census Bureau 2000)

Roughly 28% of the housing units in town were built before 1939 and about 29.4% from 1940 to 1959. Table 13 presents the age of housing stock in 2010. These data mean that almost 60% of the housing stock in town was constructed over 50 years ago. Between 1960 and 2000 the pace leveled to about 175 new units per decade, but since 2000 there was a significant increase to 271 units constructed; most of these being over-55 townhouse condominiums.

Table 13 – Age of Housing Stock

YEAR STRUCTURE WAS CONSTRUCTED	Number	Percent
Total Housing Units	2,343	100
Post-2004	194	8.3
2000 to 2004	77	3.3
1990 to 1999	173	7.4
1980 to 1989	194	8.3
1970 to 1979	162	6.9
1960 to 1969	198	8.5
1950 to 1959	563	24
1940 to 1949	127	5.4
Pre-1940	655	28

(ACS, 2010, 5 Year DP04)

Occupancy

According to the 2010 Census data, West Boylston had 2,746 housing units; an increase of almost 12% since 2000. Table 14 presents general housing characteristics relative to Households, which exclude Group Quarters. Housing Units include both households and “group quarters” which can either be institutionalized units or not.

Most households in West Boylston are both families and homeowners. There was an increase of 11.7 % in the number of housing units, while the owner-occupied households and renter-occupied households increased by 9.1% and 5.5% respectively, from 2000 to 2010. Along with this the average number of persons per household decreased from 2.56 to 2.43.

Table 14 - Household Characteristics

	# of Units		Percent			# Persons/Household	
	2000	2010	2000	2010	Change	2000	2010
Total Housing Units	2,458	2,746	-	-	11.7%	-	-
Total Number of Households	2,413	2,616	98.2	95.3	8.4%	2.56	2.43
Owner Occupied Households	1,963	2,141	81.4	81.8	9.1%	2.71	2.56
Renter Occupied Households	450	475	18.6	18.2	5.5%	1.91	1.85

(US Census Bureau, 2010)

In 2010, there was a total housing vacancy rate of 4.7%. A study by Harvard's Joint Center for Housing Studies identified natural vacancy rates – the market equilibrium rates at which real prices can be expected to neither rise nor fall – to be around 7.4 percent for rental units and 1.5 percent for owner units (Belsky, 2007). The rental unit vacancy rate of 5.8% is well below this standard; and the owner unit vacancy rate of 2.0% is a bit more than the standard. These rates suggest a somewhat higher demand for rental housing rather than owner units. These data are consistent with the population data that indicates that members of the 25-44 age group, who typically desire a higher percentage of rental units, are leaving town.

Table 15 presents data for the population not living in Households. The group quarters population had almost no change between 2000 and 2010. There were 1,300 persons living in institutionalized group quarters, and 8 in non-institutionalized group quarters. This large number in institutionalized group quarters is due to the WCHC. There was a reduction in population at the WCHC from 2000 to 2010, but it was, coincidentally, almost exactly offset by the expansions of the Oakdale Nursing Facility and Briarwood.

Table 15 – 2010 Non-Household Population Characteristics

	2000 Population	2010 Population	Change
Total Population	7,481	7,669	188
In Households	6,174	6,361	187
In Group Quarters	1,307	1,308	1
Group Quarters - Non-Institutionalized	9	8	-1
Group Quarters - Institutionalized	1,298	1,300	2
Group Quarters – Institutionalized-Correctional Facilities	1,161	1,138	-23
Group Quarters – Institutionalized-Nursing Facilities	137	162	25

(US Census Bureau, 2010)

The 2010 survey indicates that more than 60% of the occupied housing units in West Boylston have tenure of less than 20 years as presented in Table 16. This shows that there are significant numbers of new residents that have moved to town and this trend is consistent with abutting towns.

Table 16 – Tenure in Housing Stock

YEAR MOVED INTO STRUCTURE	Number	Percent
Total Occupied Housing Units	2,274	100
2000 Or Later	863	37.9
1990 to 1999	504	22.2
1980 to 1989	314	13.8
1970 to 1979	281	12.4
Before 1970	312	13.7

(ACS, 2010, 5 Year DP04)

HOUSING FINANCES

The 2010 census data of median owner-occupied housing value indicates that West Boylston has the lowest value of all abutting municipalities, excluding the City of Worcester. The 2010 values increased consistently across the area.

Table 17 – Median Housing Value of Communities in the Region

Community	2000 Median Value	2010 Median Value	Percent Change
Boylston	178,700	377,600	211
Holden	162,400	298,600	184
Shrewsbury	195,500	377,200	193
Sterling	195,700	345,800	177
West Boylston	155,100	296,800	191
Worcester	119,600	242,800	203

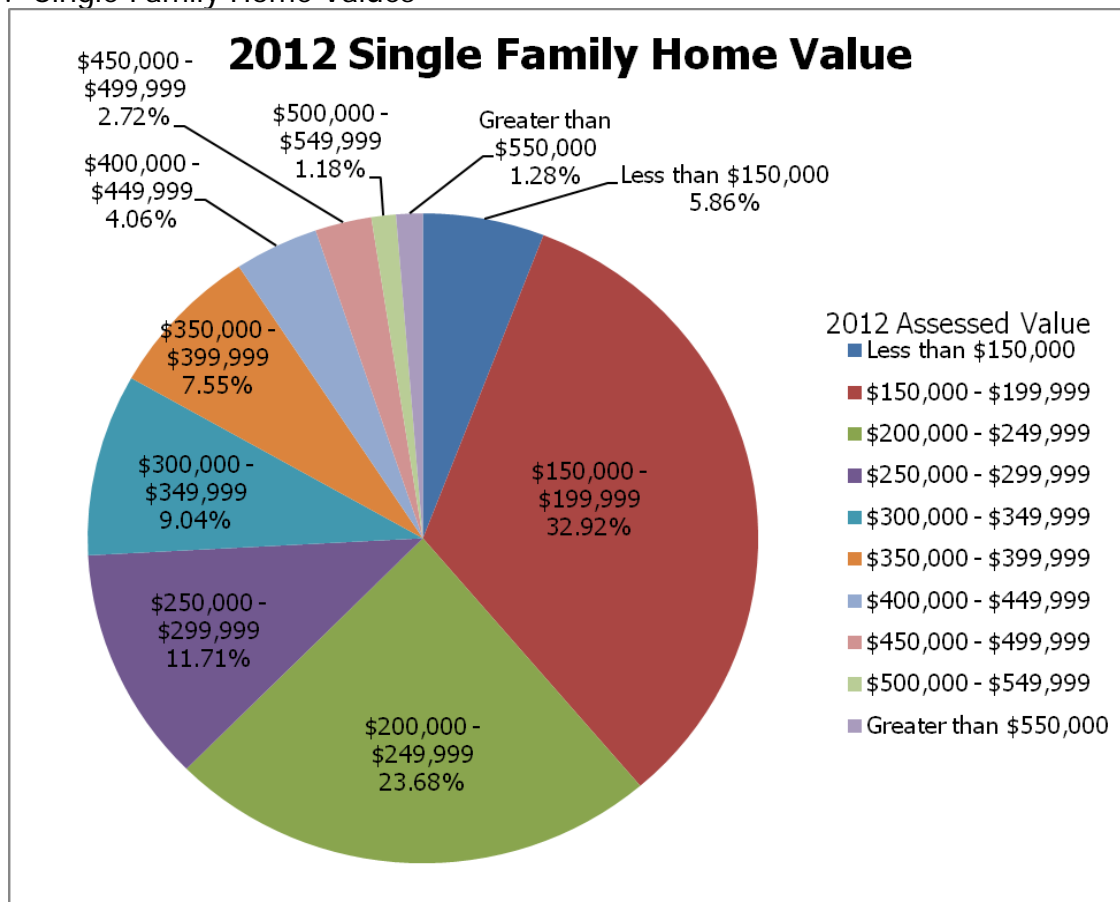
(U.S. Census Bureau, 2006-2010 American Community Survey)

The cost of living in West Boylston is more affordable for middle-class residents than in other abutting towns. Review of the Assessor data indicates that the housing stock in West Boylston provides housing whose costs are truly affordable; but since it is not 'subsidized', does not qualify under the 40B standards.

Figure 3 depicts the assessed value of properties for single-family homes (West Boylston uses full market value). The values are depicted in a clockwise orientation.

Based on the calculations submitted by the developer of Afra Terrace in October, 2012 for the Subsidized 3-bedroom unit which used the current mortgage and tax rates, the purchase price for a 3-bedroom unit in West Boylston was \$199,300. This number is used to set the level of Subsidized Housing price.

Figure 3: Single Family Home Values



(2012 West Boylston Assessor Data)

Without correcting between the two data sets, the 2012 Assessor Data and the 2010 Census, the Assessor data indicates that approximately 39% of the single family housing in West Boylston, or 755 of 1947 homes, are valued below \$199,999.

The 2012 Assessor data indicate that the average home value is \$ 258,000, which is 87% of the Census data of median value of \$296,800. Adjusting the Subsidized Housing price by this same 87% establishes a value of the Subsidized Housing price of \$ 173,400; which can be related to the 2012 Assessor data. This adjusted value provides a better means of approximating the percentage of homes in West Boylston that are priced comparably with State Subsidized units.

The 2012 Assessor data indicates that there are 356 homes in West Boylston valued at or below the range of affordability to a median income homebuyer. These represent 18.3 % of the housing stock in West Boylston valued at or below \$ 173,400. These numbers are not prices of housing currently on the market, but the assessed value of housing in West Boylston.

When assessing Subsidized Housing, a trigger used by Planners to determine a need is set as the population who are paying more than 30% of a household's income on housing and related expenses. For renters, housing costs include rent and utilities; while for homeowners, these include mortgage principal and interest, taxes, insurance and condominium fees, if applicable. Households that pay more than 30% of their income are deemed to be "housing cost burdened". The 2010 Census depicts that 27.6% of all households in West Boylston spent more than 30% of their household income on housing, which is up from 24% in 2000, but was

increased due to homeowner units and not rental units. While there was no increase in the percent of income spent by renters, the homeowners spending more than 30% of their household income on housing increased to 25.7%, more than a 20% increase.

It should be noted that even though a household income may be over \$100,000, their financial practices may cause relative hardships. Such financial difficulties may be rectified by different personal choices. State subsidies were not intended to address this group of properties with financial hardships. The census data regarding spending more than 30% of their income does not differentiate between households with high incomes and those markedly financially-burdened low incomes.

Table 18 - Housing Cost Burden in West Boylston

% of Income Spent on Housing Cost	Homeowners		Renters		Total	
	2000	2010	2000	2010	2000	2010
Under 20%	54.3%	46.2%	32.7%	45.9%	49.8%	46.4%
20.0% - 29.9%	24.8%	28.1%	26.7%	16.5%	25.2%	26.0%
30.0% - 34.9%	6.4%	6.2%	6.9%	2.1%	6.5%	5.5%
35.0% and above	14.5%	19.5%	28.9%	32.7%	17.4%	22.1%
Total Households with High Cost Burden	20.9%	25.7%	35.8%	34.8%	24.0%	27.6%
# Units Not Computed	-	-	22	12	-	-

(US Census, 2006-2010 American Community Survey)

About 35% of renters are paying 30% or more on housing costs. The 2010 HUD Fair Market Rent (FMR) for a one bedroom apartment (which would accommodate a married couple) in the Worcester area is \$813. With West Boylston's median monthly rent in 2010 of \$893, a renting household would need to make over \$42,960. This indicates a significant need in the community for subsidized rental properties.

In 2010, the percentage of homeowner households paying 30% or more on housing costs was 25.7%. A breakout of these are those homeowners with mortgages, 31% of which were paying 30% or more on housing costs; and of those homeowners without mortgages 16% were paying 30% or more on housing costs.

Using the 2010 median household income of \$79,906 and \$800 in other housing costs per month such as taxes, insurance, heating, water, sewer, and electricity; provides the basis for the following calculation. Using a 5% down payment and a mortgage rate of 5%, the homeowner could afford a home valued at \$265,000. This is almost \$32,000 less than the median value of \$296,800 in West Boylston. This gap would be even larger for households making only 80% of the median household income. Actual values and costs vary, but this simple calculation supports the assertion that there are financial limits to buying a home in West Boylston.

The cost of housing creates a significant challenge for lower-income households. The measure of "low-income" varies by household size and region. By federal definition, a low- or moderate-income household has annual income equal to or less than 80% of the area median income, adjusted for household size. Subsidized Housing is also defined according to percentages of

median income for the area, and most housing subsidy programs are targeted to particular income ranges depending upon programmatic goals. Extremely low-income housing is directed to those earning at or below 30% of area median income as defined by the U.S. Department of Housing and Urban Development. The 2012 HUD income limits for the Worcester area are included in Table 19:

Table 19 – 2012 HUD Income Limits for West Boylston

Area Median Income		\$83,600						
Family Size		1	2	3	4	5	6	7
Extremely Low Income	30% AMI	\$18,450	\$21,100	\$23,750	\$26,350	\$28,500	\$30,600	\$32,700
Very Low Income	50% AMI	\$30,800	\$35,200	\$39,600	\$43,950	\$47,500	\$51,000	\$54,500
Low Income	80% AMI	\$45,500	\$52,000	\$58,500	\$65,000	\$70,200	\$75,400	\$80,600

<http://www.huduser.org/portal/datasets/il/il2012/2012summary.odn>

Summary of Housing Needs in West Boylston:

The current supply of housing provides affordable options, but does not fully address the needs of our community, nor does it meet the state mandated amount of Subsidized Housing (10%). Based on the above assessments of the local 2010 census data, the following list is a summary of the prioritized Subsidized Housing needs discussed above for the Town of West Boylston:

1. There are many persons over 65 years old who wish to remain in town. The increase in the age of the population combined with the higher percentages of households spending greater than 30% of their income on housing indicates a need to prepare for this demand. The construction of the over-55 units in town did not address the need for subsidized units directed at this age group. There should be a mix with a majority being ownership units, and a significant portion as rentals. This age group also tends to down-size and limit expenses leading to greater demand for 1- and 2-bedroom units.
2. 21.4% of all single mother households are living below the poverty level. This clearly indicates a need for subsidized 2- or 3-bedroom rental units with a preference in the selection process for this population in our community.
3. The portion of the general population claiming a disability was 14.5%. It is recommended that all Subsidized Housing development incorporate a minimum of 10% universal or adaptive designs. The West Boylston Housing Authority provides Subsidized Housing but has limited first floor and/or adaptive units available for the aging population or the disabled. More is needed based on the typically long wait times. Almost 36% of senior citizens claim a disability. All units constructed for persons over 60 should be universal access or adaptive designs, and a quarter should be 1-bedroom size units.
4. Current housing character provides affordable ownership opportunities for new families and first homes; but the need in town and the region is for low-end market rate rentals to provide for the more transitional population (those not in a position to commit to living in the same location for a number of years).. Household size reductions and market demand suggest that new housing development should provide a majority of units to have two bedrooms, and a small number with one and three bedrooms.

5. The suggested ratio of numbers of ownership units to rental units in subsidized development proposals should be 1:4 over the next 5 years to increase the stock of subsidized rentals.
6. There is a significant number, almost 26% of owner occupied households and 36% of rental households, paying greater than 30% of their income on housing. The addition of subsidized units both rental and homeownership would provide good opportunities for these households.

Subsidized Housing Inventory

The current Subsidized Housing Inventory (SHI) that is reported by DHCD for 3/20/2013 is as follows, with the items further described below:

Table 20 - West Boylston Subsidized Housing Inventory as of 3/20/2013

Project Name	Address	Type	SHI Units	Affordability Duration	Comp. Permit	Subsid. Agency
Orchard Knoll	87 Maple St.	Rental	54	Perpetuity	No	DHCD
N/A	14-16 Foster St.	Rental	8	Perpetuity	No	DHCD
Lancaster Commons	109 Lancaster St.	Ownership	8	50 Years	Yes	DHCD
DDS Group Homes	Confidential	Rental	17	N/A	No	DDS
Franklin Street Affordable Housing	Franklin St.	Rental	26	Perpetuity	Yes	DHCD
Afra Terrace	Shrewsbury St.	Ownership	9	Perpetuity	Yes	MAHousing
Village at Oakdale	94 N. Main St.	Rental	0	Perpetuity	Yes	DHCD
DMH Group Homes	Confidential	Rental	8	N/A	No	DMH
		Total	130			

SHI Units previously included in the SHI but have been removed this year because work has not begun are: The Village at Oakdale, 94 N. Main St., and Angell Brook, off Shrewsbury St.

At Orchard Knoll, West Boylston's Public Housing, 100% of the units are subsidized. All of the elderly/disabled residents pay 30% of their adjusted income for rent, including utilities. Orchard Knoll families pay 27% of their adjusted income for rent, NOT including utilities. It provides 36 one bedroom elderly/disabled rental units for seniors, only two of which are handicapped accessible. No more than 13.5% (5) of the 36 units can be for disabled persons under the age of 60 years. Almost all of the Orchard Knoll elderly/disabled apartments are filled with local residents as they are given preference and in general, there are not many applicants with homeless priorities applying from other communities. Wait times vary greatly due to the small community and variable needs.

Typically the under-60 disabled population at Orchard Knoll does not turn over as much as the elderly population, so the wait for under-60 disabled residents is typically longer. Additionally, if someone is in need of a first floor apartment, the wait could be substantially longer. A member of the general elderly population waiting for a first floor apartment could take years. Five local under-60 disabled residents are currently on the waiting list for one of the 36 units. And there are currently six people waiting for one of the 18 first floor accessible units. Current residents get first option of transferring and there has been a perpetual resident transfer list for first floor requests. There is also the additional preference for veterans. As a hypothetical example for

the current climate, if a local veteran applied and would be willing to take a second floor apartment, there might only be one or two applicants ahead of them, so the wait time may be six months to two years. Without the veterans' preference an applicant could wait 5 years for their first apartment. Demand fluctuates substantially from year to year. For example, a handicapped unit was open for several months in 2010 because there was no waiting list for a handicapped unit at that time, whereas at this writing (in 2012) there are two local people waiting for units which now may be occupied for years.

The portion of Orchard Knoll constructed for families consists of 18 units, of which 2 are handicap accessible. There are currently 5 two-bedroom townhouse apartments, of which one is handicapped adapted. Additionally, there are 13 three-bedroom townhouse apartments, one of which is handicapped adapted. The family unit turnover varies widely, with the Director noting an estimated average of one every two years. Those units typically are not occupied by local residents as most West Boylston residents do not meet the State's definition of homeless. The Director noted that WBHA receives approximately 10 to 20 applications weekly from people across the State living in shelters and the wait time, even for emergency applicants, is over ten years.

The project listed as N/A was developed as a Group Home with Chapter 689 funds for adults with special needs. The project subsidizing agency was the Department of Developmental Services (DDS) (formerly Department of Mental Retardation (DMR)). There were 12 units in the project but the SHI only includes 8 units listed. The West Boylston Affordable Housing Trust is actively seeking confirmation/clarification of this matter from DDS regarding the number of units and the Affordability Duration.

Lancaster Commons was approved for a total of 17 units on Heritage Lane with 8 subsidized units. This was an early Local Initiative Project (LIP). The affordability deed rider is rather confusing and it is uncertain how many of the original 8 subsidized units are still considered "affordable". The Affordability Duration is limited to 50 years in the deed riders (ending in 2042) and not in perpetuity as is currently desired by DHCD. Because of provisions in the deed rider that allow for market resale under certain conditions, at least 2 of these units may no longer be considered Subsidized in the Town's inventory. Investigation is underway to confirm that they remain subsidized.

The DDS Group Homes line item is operated by Department of Developmental Services (DDS), formerly Department of Mental Retardation (DMR). There are 17 units scattered throughout town in mostly four or five bedroom homes.

The Franklin Street Affordable Housing Project, previously known as the Freedom Village, was completed in 2012, and has all 26 rental units Subsidized, submitted as a 40B comprehensive permit development. This project provides low and very low rental housing.

Afra Terrace was approved to include 52 townhomes, with 13 units of Subsidized Housing. The 9 units listed in Table 20 are the ones for which certificates of occupancy have been issued. This project is developed as part of a 40B comprehensive permit development by Metrowest Builders. Approval conditions require contributions to the Affordable Housing Trust Fund.

The DMH Group Homes line item is operated by Department of Mental Health. There are 8 units of this type of housing located in town.

Some properties that had previously been included in the SHI have been removed, including The Village at Oakdale, 94 N. Main Street, as well as the subsidized units at Angell Brook, off Shrewsbury Street, which have not begun construction and have been removed from the SHI.

Alternative Compliance Standards

West Boylston has achieved a 1.5% land area minimum as defined by M.G.L. c. 40B, § 20 and the ZBA may exercise the option to deny 40B applications that are considered inappropriate. As shown in Table 21 and 22, West Boylston must have 55.4 acres of SHI Eligible Land Area and actually has 60.2 acres and therefore has achieved the land area statutory minimum of 1 ½% as defined in M.G.L. c. 40B, § 20.

Report on 1.5% of Land Area Criteria:

M.G.L. c. 40B, § 20 establishes requirements that can be met if affordable housing exists on more than 1.5% of the total land area zoned in town for residential, commercial, and industrial uses. DHCD regulations 760CMR56.03 (3) (b) General Land Area Minimum requirements describe this process:

Denominator of the 1½% Land Area Equation:

For the purposes of calculating whether SHI Eligible Housing exists in the city or town on sites comprising more than 1½% of the total land area zoned for residential, commercial, or industrial use, pursuant to M.G.L. c. 40B, § 20, involves first calculating the "General Land Minimum" or the denominator of the land area equation.

760 CMR 56.03(3)(b) General Land Area Minimum. For the purposes of calculating whether SHI Eligible Housing exists in the city or town on sites comprising more than 1½% of the total land area zoned for residential, commercial, or industrial use, pursuant to M.G.L. c. 40B, § 20:

- 1. Total land area shall include all districts in which any residential, commercial, or industrial use is permitted, regardless of how such district is designated by name in the city or town's zoning by law;*
- 2. Total land area shall include all un-zoned land in which any residential, commercial, or industrial use is permitted;*
- 3. Total land area shall exclude land owned by the United States, the Commonwealth or any political subdivision thereof, the Department of Conservation and Recreation or any state public authority, but it shall include any land owned by a housing authority and containing SHI Eligible Housing;*
- 4. Total land area shall exclude any land area where all residential, commercial, and industrial development has been prohibited by restrictive order of the Department of Environmental Protection pursuant to M.G.L. c. 131, § 40A. No other swamps, marshes, or other wetlands shall be excluded;*
- 5. Total land area shall exclude any water bodies;*
- 6. Total land area shall exclude any flood plain, conservation or open space zone if said zone completely prohibits residential, commercial and industrial use, or any similar zone where residential, commercial or industrial use are completely prohibited.*
- 7. No excluded land area shall be counted more than once under the above criteria.*

Table 21 summarizes the calculation of the denominator of the General Land Area Minimum for West Boylston that results in 55.4 Acres of General Land Area Minimum as described in 760CMR56.03 (3).

Table 21 - 1.5% SHI Land Area Calculation

Criteria	Land (Acres)	Unavailable Land (Acres)
Total Land Area of West Boylston	8,838.9	
Owned by Town of West Boylston		879.0
Owned by DCAM 180 Beaman Street		32.4
Owned by Worcester County		241.2
Owned by DCR Water Supply Protection		3,476.2
Open Water		8.4
Deeded Conservation Restrictions		237.4
Flood Plains		273.0
	Total	5,147.6
Total Available Land	3,691.3	
1.5% of Available Land	55.4	

(West Boylston Assessors Data, 2012)

West Boylston has a total land area of 8,838.9 acres of which 3,691.3 are available for residential, commercial, and industrial uses, and 5,147.6 are excluded per regulations cited above. The "General Land Area Minimum" is 3,691.3 Acres. 1.5% of the General Land Area Minimum is 55.4 Acres.

Numerator of the 1½% Land Area Equation:

For the purposes of calculating whether SHI Eligible Housing exists in the city or town on sites comprising more than 1½% of the total land area zoned for residential, commercial, or industrial use, pursuant to M.G.L. c. 40B, § 20, involves calculating "SHI Eligible Land Area" or the numerator of the percent of land area equation as described in 760 CMR 56.03(3)(b). This includes land area that contains SHI units approved by DHCD or under a valid comprehensive permit from the ZBA. SHI Eligible Land Area is prorated based on the corresponding land area for SHI eligible units:

760 CMR 56.03(3)(b):

Only sites of SHI Eligible Housing units inventoried by the Department or established according to 760 CMR 56.03(3)(a) as occupied, available for occupancy, or under permit as of the date of the Applicant's initial submission to the Board, shall be included toward the 1½% minimum. For such sites, that proportion of the site area shall count that is occupied by SHI Eligible Housing units (including impervious and landscaped areas directly associated with such units).

Table 22 summarizes the calculation for the numerator of the land area calculation and identifies 58.1 acres of SHI Eligible Land Area.

Table 22 - West Boylston Affordable-Eligible Lands

Project Name	Address	Type	Total Lands	Total Units	Subsid. Units	Land Area
Orchard Knoll	87 Maple St.	Rental	26.29	54	54	26.3
Village at Oakdale	North Main St.	Rental	9.82	96	96	9.8
Foster Street	14-16 Foster St.	Rental	1.81	8	8	1.8
Lancaster Commons	109 Lancaster St.	Ownership	15.0	32	8	3.8
DDS/DMH Group Homes	4 Sites	Rental	5.8	25	25	4.0
Franklin Street	Franklin St.	Rental	3.51	26	26	3.5
Afra Terrace	Shrewsbury St.	Ownership	35.45	52	13	8.9
	Total					58.1

(ZBA-Comprehensive Permits and West Boylston Assessors Data, 2013)

West Boylston must have 55.4 acres of SHI Eligible Land Area, and has 58.1 acres; and therefore has achieved the land area statutory minima of 1½% as defined in M.G.L. c. 40B, § 20.

Procedure for ZBA to Implement 1½% Land Area Minimum 760 CMR 56.03(8) (a):

If a Board [ZBA] considers that, in connection with an Application, a denial of the permit or the imposition of conditions or requirements would be consistent with local needs on the grounds that the Statutory Minima defined at 760 CMR 56.03(3)(b or c) have been satisfied or that one or more of the grounds set forth in 760 CMR 56.03(1) have been met, it must do so according to the following procedures.

Within 15 days of the opening of the local hearing for the Comprehensive Permit, the Board shall provide written notice to the Applicant, with a copy to the Department, that it considers that a denial of the permit or the imposition of conditions or requirements would be consistent with local needs, the grounds that it believes have been met, and the factual basis for that position, including any necessary supportive documentation.

If the Applicant wishes to challenge the Board's assertion, it must do so by providing written notice to the Department, with a copy to the Board, within 15 days of its receipt of the Board's notice, including any documentation to support its position.

The Department shall thereupon review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The Board shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent with local needs, provided, however, that any failure of the Department to issue a timely decision shall be deemed a determination in favor of the municipality.

CURRENT DEVELOPMENT FRAMEWORK

Zoning

The Town has 6 zoning districts. Single Residential District makes up the overwhelming majority where only single family residential development is allowed on one-acre lots. The General Residential District is located throughout the Town along the major traffic routes and

allow up to 4 units per acre in sewered areas, otherwise the maximum is 2 units per acre. Much of the Business-zoned land is a strip bordering both sides of the southern section of Route 12 and scattered to busy intersections where single- and multi-family residential use is allowed. The Commercial/Limited Industrial District is located north of I-190 and allows only single family residential use along with the commercial uses. The Industrial District is located along Hartwell and Shrewsbury Streets, and does not allow residential uses, except within the Continuing Care Retirement Community Overlay District. The Conservation District is located where the WCHC and the former county hospital are sited and does not allow residential uses.

The town has been proactive in enabling and encouraging Subsidized Housing through bylaw changes:

1. Incentive Zoning Bylaw (created in 2006 and subsequently modified in 2011) which encourages developers to provide some Subsidized Housing in exchange for increased density in their projects. An 'Incentive' bylaw was specifically selected because an 'Inclusionary' bylaw, which requires Subsidized Housing on all larger residential developments, was not desired by officials or townspeople. Provisions for off-site units, and fees in-lieu-of subsidized units were included.
2. Community Preservation Act (CPA) (created in 2007) which allocates a minimum of 10% of the CPA funds raised toward the creation of Subsidized Housing.
3. The Continuing Care Retirement Community Bylaw was amended in 2008 to require a Subsidized Housing component of 15% for ownership and 20% for rental development.
4. The Residential Cluster Development Bylaw (created in 2010) to allow design flexibility for greater density on a portion of the tract while preserving open space. Reference is made to the Incentive Bylaw to encourage a Subsidized Housing component.

Municipal Capacity

West Boylston is a small municipality and has minimal administrative capacity to coordinate and implement design and construction of a housing development. There is no paid professional position for economic or housing development.

To improve its capacity, the Town Meeting (2011) voted to merge the Housing Partnership (established in 2005) into the Affordable Housing Trust (2009) whose charge is to plan for the Subsidized Housing needs of the community.

In May 2007, Town Meeting enacted the Community Preservation Act (CPA) and approved a 2% surcharge on most property taxes paid by residents. As previously mentioned, 10% of the funds are allocated to Subsidized Housing. 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.

The town is in the process of developing a regional approach to housing planning and development initiatives through collaboration with the towns of Boylston and Sterling. With technical assistance from the Central Massachusetts Regional Planning Commission, a Housing Planning and Development Plan for Boylston, Sterling and West Boylston was created in 2010 and a tri-town planning committee was created in 2011. This plan was underwritten by a grant from the Legislature's District Local Technical Assistance funding program.

Infrastructure

The town has public water and in the last decade completed public sewer for much of the southern portion of town. There would be limitations and serious concerns associated with development in unsewered areas, while even within the sewer system there may be multiple challenges since the system was designed to serve and is operated within a specific capacity.

There is a Worcester Regional Transit Authority (WRTA) bus line servicing the southern portion of town off Route 12. This route used to continue past the town center, but was truncated at Wal-Mart plaza in 2006. According to the 2010 Sidewalk Study, pedestrian walkways exist in the center of town near the Commons, the Library, the Light District building, and the schools; however, many of these are in a state of disrepair. It is also very difficult to walk to the commercial center along Route 12 where no sidewalks exist and are needed. New sidewalks and improvements to existing sidewalks are needed to provide safe pathways for school children, and to facilitate pedestrian traffic to the Route 12 Wal-Mart shopping plaza, where the northern-most bus stop and the movie theater are located.

Land Availability

The amount of available developable land is a constraint on the creation of new Subsidized Housing in West Boylston. Figure 4 (attached at the end of the Plan) shows the areas where housing is possible in green. The area of green includes dark gray sections within these green areas that depict a significant amount that is currently impervious. The light gray areas shown are properties owned by the State or municipal entities, or which have deeded perpetual restrictions from building.

There are a few parcels of land that the town owns or could acquire that have potential for housing development that will be further discussed later in this HPP. Generally, the large gently-sloping areas have been developed or purchased by DCR for watershed protection.

In a targeted Build-out study of the southern Route 12 commercial corridor, CMRPC found that there is the potential to almost double the existing 633,225 square feet of commercial and industrial floor space along this road. This study, which was done for the Town-wide Planning Committee in April 2000, clearly showed that there was growth potential along the heavily traveled Route 12 commercial corridor. The Build out study was an assessment of possible development potential if everything that could be developed under the zoning present at the time of the study was developed. While the Study takes out constrained land (slope, wetland, floodplain and protected lands) it is not able to take into account limits such as water and sewer that would limit development. This CMRPC study concluded that although only 20 of the 78 existing properties in this Business District have expansion potential (because of small lot sizes and constraints of the Watershed Protection Act), these 20 properties could add 581,719 square feet of commercial or industrial floor space. The potential could be even higher if two-story buildings are built (with the first floor occupied by a business and second floor residential), which is allowed under current zoning. With some initiative from the town, this could be coordinated to provide significant privately-developed Subsidized Housing.

HOUSING ACTION PLAN

Production Goals

The town goal is to provide generally affordable and diverse housing, while minimizing the town's fiscal burden. Chapter 40B allows communities with accepted housing production plans that produce 0.5% of its year round housing units over one year or 1.0% of its year round housing units over 2 years the ability to deny comprehensive permit applications over the time

period when the plan is valid and the 0.5% or 1.0% production goal is being met. This is the Town of West Boylston's goal. According to the 2010 Census figures, West Boylston's goal is to produce 14 units of Subsidized Housing units each year or 28 units over two years. West Boylston meets the Alternative compliance standard of 1.5% of its available land area, which provides flexibility in meeting these annual quotas. The Town of West Boylston's goal is to produce the housing noted in this plan to provide for the needs of the local residents.

The annual development target is 0.5% of year round housing. Assuming a 10% housing unit growth rate (actual rate was 11.7% between 2000 and 2010) the following goals were set:

Table 23 – Subsidized Housing Goals

	2010	2013	2018 (estimated)
Total Year-Round housing units (US Census Bureau, 2010)	2,729	2,810 estimated	2,947
Total SHI	189	130 (reported) *	200 (0.5%/year)
SHI as a % of Total Housing Units	7.7%	4.76% (reported)	7.26% proposed
Total Needed to achieve 10%	275-189=86	281-130=151	295-200=95
# Units Needed/year to achieve 0.5% annual production goal	14	14	14

* - The reduction in SHI units from 2010 resulted from removal of Oakdale Village and Angell Brook units that were not constructed within required timeframes.

Using the strategies summarized herein, the Town has developed a Housing Production Program to guide Subsidized Housing production activity over the next five (5) years. The projected goals are presented above. Table 23 starts with the 2010 Census housing unit figures, and based on a growth rate of 10%, predicts the 2013 number of total housing units. From there, given the production of the 0.5% goal of additional SHI units each year, in 2018 the town would minimally have reached a 7.26% Subsidized Housing level. But more importantly, if the town continues to add the needed 14 units per year, along with an accepted housing production plan, the town would achieve "Certified" status and merit the right to deny requests for a comprehensive permit.

The housing targets were developed based on the 2010 census data and the assessments of needs noted previously in this HPP to guide the planning process. This is a difficult task and only provides guidance on a 'moving target' relative to the market and available housing. The target numbers presented in Tables 24 and 25 are percentages of goals for new development units over the next 5 years, but are not anticipated to be applied specifically to every development. Some developments will have more Subsidized Housing and others less; but these percentages offer guidance for the overall new housing development.

The Subsidized housing targets encourage mostly rental units, very few if any units having more than 3 bedrooms; with at least 10% of all subsidized units having universal or adaptive designs.

Generally, the targets reflect the intent to create Subsidized Housing to address the needs of the community. The target characteristics of housing development over the next 5 years are to have more rental housing created as a significant percentage of the overall development in town, with some senior handicapped adaptable units. The need for senior housing that is handicapped accessible warrants considerable attention.

Table 24 - Long term Subsidized Housing Targets

	Percentages of Subsidized Housing			Market Rate Housing Percentages
	Extremely low income	Very low income	Low income	Not Subsidized
	< 30% AMI	< 50% AMI	< 80% AMI	> 80% AMI
2012 HUD Income Limit (3 Persons)	\$23,750	\$39,600	\$58,500	No Limit
Rental Households	1%	4%	35%	25%
Ownership Households	0.25%	1%	8.75%	25%
Total Households	1.25%	5%	43.75%	50%

Table 25 - Long term Subsidized Housing Target Sizing/Character

	1-Bedroom	2-Bedroom	3-Bedroom
Rental Households	16%	48%	15%
Ownership Households	4%	12%	5%
Total Households	20%	60%	20%

The intent for the ratios listed in Table 25 is to encourage some ownership units for empty-nesters, but mostly smaller sized rental units. Provisions for seniors' needs and construction using universal or handicapped adaptive capabilities are preferred in a portion of all units. The rental units should include a significant portion as subsidized for small families, with a portion of all units constructed to be adapted for seniors and handicapped access.

Public Property Inventory

The Town of West Boylston has a limited amount of town-owned property not already designated for specific purposes other than housing. Coordination of available land controlled by the town needs to be done through the Town's Master Planning process. Nevertheless, some limited opportunities exist that may be suitable for Subsidized Housing development. Four properties warrant further evaluation in the short term and are included in Table 26 below with descriptions following. These estimates of Buildable Area and Total Housing are based on current zoning bylaws of 4 units per buildable acre; and use the GIS information available on the Town's website to determine areas having limitations associated with steep slopes, wetland resources, and zoning setbacks.

Table 26 – Publicly-owned properties with potential for Subsidized Housing

Parcel	Map/Parcel ID, Zoning	Buildable Area (acres)	Total Housing Units/Subsidized Units
120 Prescott Street	125/30, Sgl.Res.	13.5	25/13
141 Sterling Street	125/38, Gen. Res.	2.75	12/6
87 Maple Street	159/14, SRAqif.	15	45/45
480 Prospect Street	166/18, Sgl.Res.	0.75	2/2
		Total	84/66
Long Term			
Tivnan Drive (Cty. Hosp.)	178/1, Cons.	18	70/70

The 120 Prescott Street site (formerly the site of the Mixer Building) should be considered for mixed use redevelopment with a Subsidized Housing component. Mixed use development with senior housing, a senior center, parks, and open space have been discussed.

The 141 Sterling Street site (formerly the Mixer building septic system) might be appropriate for family housing with a playground to service the neighborhood.

87 Maple Street is partially occupied by the West Boylston Housing Authority's Orchard Knoll housing and has additional land available for development to the east. Crossing an intermittent stream and developing a secondary access using existing rights-of-way need to be addressed.

A single-family lot at 480 Prospect Street was found that might be suitable for a town-sponsored Subsidized Housing project similar to the Habitat for Humanity project recently completed in Boylston. The one-acre site may accommodate a group home or two small units.

Development of these four areas could produce an estimated 84 units of housing with 66 units of Subsidized Housing.

Another long-term opportunity includes development of State-owned land at the abandoned County Hospital property on Tivnan Drive. This would involve a cooperative program with Boylston and the State to develop approximately 18 acres within this area. Development on the portion in Boylston is included in their current Housing Production Plan.

Private Property Inventory

It is incumbent on the Town to determine the best approach for negotiating with developers to guide new development to more appropriately satisfy local needs and requirements. The Town Zoning Board should adopt a Comprehensive Permit Policy and regulations to offer such guidance. The Affordable Housing Trust regularly reviews privately-owned properties with potential for housing development. Though few large parcels are evident, properties that could be combined to create larger tracts should be reviewed as well. A database of interested property owners and properties should be maintained for periodic follow-up.

The Affordable Housing Trust should review the potential for mixed use within the commercial redevelopment available along the Route 12 commercial corridor. This area provides easy access to amenities and will provide more efficient use and financial benefits to owners of these properties.

Assessment

The following information summarizes the context for West Boylston's housing needs:

- West Boylston's 2010 population of 6,531 (excluding 1,138 correctional facility inmates) is a 2.8% increase from 2000 (a population of 6,320 excluding inmates). But the 1970 population of 6,369 (before the correctional facility's construction) is 49 persons more than the 2000 population of 6,320. The population growth since 1970 is a total of only 2.5% in 40 years.
- Between 2000 and 2010, the number of households (2,616) grew faster (8.4%) than the general population (excluding inmates) (2.8%), indicating a shrinking household size. The average household size in 2010 was 2.43 persons/household, which is a decrease from 2.56 in 2000. Thus, new housing development should provide a majority of units with two to three bedrooms, and a lesser number of units with 3 bedrooms.

- West Boylston has a more dense population (472 persons per square mile, excluding inmates) than the abutting towns, not including the City of Worcester. This density calculation distributes the total population evenly throughout the town, but in reality the density is much greater in the southern portion of town. More detailed data, by Precincts, shows that Precinct 1 (the southern portion of town along the boundary with the City of Worcester, containing 3.1 square miles) has 1,357 persons per square mile, while Precinct 2 (the northern remainder of the town, containing 10.7 square miles) has 324 persons per square mile.
- The median age in West Boylston in 2010 was 45.6 years, significantly higher than the 38.4 years in 2000. The age bracket 45 – 64 years showed the greatest increase between 2000 and 2010, 52.3%; while 25-44 showed the greatest decline, -22.5%. This increase can be attributed to the permitting of 241 units of over-55 housing at Hillside Village and Angell Brook developments. Smaller subsidized rental units provide the reduced size and flexibility typically desired by persons of both these age groups.
- The majority of housing units constructed from 2000 to 2010 (288 units) have been generated within a few larger-scale projects including Afra Terrace (52 units approved), Hillside Village (118 units approved), and Angell Brook (136 units approved).
- The decrease in population of the 25-44 age group from 2000 to 2010 of 22.5% can be partly attributed to the unavailability of affordable rental housing opportunities.
- Disability data are not available from 2010, so 2000 data were used. West Boylston had a larger percentage of its population over the age of 65 that are disabled (35.7%) than those between the ages of 21 and 64 years (12.0%). Therefore, when creating elderly housing, a significant percentage should be produced with universal or adaptive designs. The West Boylston Housing Authority provides Subsidized Housing but has limited first floor and/or adaptive units available for the aging population or the disabled. More is needed based on the typically long wait times.
- 18.3% of the current housing is valued at or below a recently advertised Subsidized Housing price limits for a 3-bedroom rental unit.
- The percentage of rental households increased by 5.5%, while owner households increased by 9.1%. The record-low mortgage rates over the last 10 years and flexible federal loan offers for home ownership have strongly encouraged ownership. The overall ratio of 2:1 owner units to rental units is expected in Market rate housing developments; but Subsidized Housing should provide a ratio closer to 1:4 over the next 5 years to increase the stock of Subsidized rentals.
- West Boylston's median housing value of \$296,800 in 2010 was higher than the \$155,100 in 2000 and remained the lowest value in all surrounding communities, excluding the City of Worcester.
- In 2010, the median household income in West Boylston rose to \$79,906 from \$53,777 in 2000, which was typical throughout the county. West Boylston's median family income is lower than all the communities surrounding it, other than the City of Worcester.
- Of the estimated 98 single-mother families in town, 21.4% are living below the poverty line. Subsidized rental housing is needed most for young low-income families.
- There was no change in the percentage of renter-occupied housing units paying greater than 30% of the household's income between 2000 and 2010. But there was an increase of 4.8%, (up to 25.7%) of owner occupied households paying greater than 30% of their income on housing. The addition of both rental and homeownership subsidized units priced at 80% area median income (or less) would provide opportunities for these households and allow them to stay in town.

- With housing prices lower than adjacent towns and its proximity to employment, West Boylston is a very desirable community in which to live.
- As of April 2012, DHCD estimated that West Boylston had 2,746 year-round housing units with a total of 130 (4.76%) as Subsidized Housing units. West Boylston's 0.5% SHI goal is 14 units per year.
- The median monthly rent in West Boylston in 2010 was \$893. This is manageable by those of average income but not by those with low incomes. An income of \$35,720 is needed to keep the payments to less than 30% of income. With the median household income of \$79,900, a family making 80% of the median income would pay approximately 20% of their income toward rent. This indicates that the current market rate rental properties are priced to provide reasonable opportunities. Additional Subsidized units would provide additional opportunities for those having low incomes.
- The Town has been proactive in its planning and zoning efforts to promote diverse and affordable housing including establishment of a Continuing Care Retirement Community Overlay District, a Multi-Story Overlay District, an Incentive Zoning Bylaw, and a Residential Cluster Development Bylaw, and enacting the Community Preservation Act.
- West Boylston does not employ a professional planner. However the town has established a Housing Partnership and Affordable Housing Trust, enacted the Community Preservation Act (with a minimum 10% allocated to housing), initiated a regional housing collaboration with the towns of Boylston and Sterling; and obtained technical assistance to explore its housing planning capacity.
- There appears to be a sufficient reserve water supply to meet near-term needs and the Water District is actively investigating new sources. The major infrastructure concerns are related to sewer capacity and allotment. Specifically, proposals in areas not serviced by sewers or where sewer flows will be higher than designed will require special consideration during permitting.
- There is good access to major highways including Interstate 190 and 290, and Massachusetts Routes 12 and 140; but West Boylston is minimally served by public transportation, possibly limiting employment opportunities for those in Subsidized Housing.

Production Strategies

The strategies are intended to guide the Town to a reasonable approach to meeting its Subsidized Housing goal. These are based largely on the following criteria:

1. Given the limited supply of town-owned land, most Subsidized Housing activity will have to come from private development, and to maximize their responsiveness to community interests, development of a Comprehensive Permit Policy to provide guidance to developers should be carefully written to encourage designs that are consistent with this Housing Production Plan and the Town's Master Plan.
2. On Town-owned parcels, at least 50% of the units should be subsidized for households earning at or below 80% of area median income. Rental projects will also target some households earning at or below 50% of area median income depending upon subsidy program requirements. The West Boylston Affordable Housing Trust sets the affordability goals for a project.
3. Projections are based on four (4) units per acre. However, it may be appropriate to adjust density in accord with the Incentive Zoning bylaw, and zoning regulations.
4. The Town should consider actively partnering with a private developer where CPA funds might be used to encourage participation by underwriting predevelopment costs.

5. The Town should work with private developers to promote a diversity of housing types as noted in Tables 24 and 25.

If any of the preliminarily identified existing Town-owned properties are determined infeasible or do not obtain approval from Town Meeting, the projected numbers of subsidized units would be reduced as appropriate.

Table 27 – West Boylston Housing Production Plan

Strategies by Year	SHI Units	Market Units	Total Units
Year 1- 2014	14	36	50
Completion of remaining units at Afra Terrace	4	20	24
Completion of units at Angell Brook	2	8	10
Private Development ('Friendly' 40B-Rental)	8	8	16
Town-Draft RFRs for Maple Street and 480 Prospect Street Properties	0	0	0
Year 2 – 2015	14	0	14
Town-480 Prospect Street	2	0	2
Town-Maple Street Property	12	0	12
Town-Draft RFRs for 120 Prescott Street and Sterling Street Properties	0	0	0
Year 3 - 2016	16	0	16
Town-Maple Street Property	16	0	16
Year 4 – 2017	22	11	33
Town-Completion of Maple Street Property	17	0	17
Town-Sterling Street Property	3	6	9
Town-120 Prescott Street Property	2	5	7
Year 5 – 2018	14	13	27
Town-Completion at 120 Prescott Street Property	11	7	18
Town-completion at Sterling Street	3	6	9
Totals	80	60	140

The people of West Boylston strongly desire to have control over the growth of the town. The HPP is drafted to meet the needs of our residents and provide the power to work with developers of our choosing to create affordable housing following a consistent and coordinated plan. It is our intent that this Housing Production Plan provides this coordination.

These strategies address the following major planning categories and are outlined in Table 28:

- Identify zoning districts or geographic areas in which the town proposes to modify current regulations to create Subsidized 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;

- Identify specific sites where the town encourages filing of comprehensive permit projects;
 - Partner with developers to produce Subsidized Housing units;
 - See “friendly” 40B projects in production goals.
- Characterize ‘preferred’ residential or mixed-use developments;
 - Promote in-law apartments;
 - Promote greater diversity of housing types;
 - Develop the town’s Comprehensive Permit Policy;
 - Promote mixed-use development;
 - Encourage infill development, cluster development, and adaptive reuse.
- Identify Town-owned parcels for which the Town commits to issue requests for proposals to develop Subsidized Housing.
 - Partner with developers to produce new Subsidized Housing units.
- Participate in regional collaborations addressing housing development
 - Work with adjacent towns to explore regional best practices and build capacity.
 - Help qualifying home buyers and homeowners access housing assistance resources.

West Boylston’s Subsidized Housing Production Strategies:

1. Preserve Existing Subsidized Housing

While Subsidized Housing is preferred to have a deed restriction in perpetuity, there are some older units where records have been lost or financing has been made in excess of the limitations. The term of the affordability can lapse, so attention to the details of the deed restrictions and the timing for each unit are needed to retain all units that currently exist.

a. Monitor and Maintain the SHI Inventory

DHCD requires regular reporting of each town’s SHI inventory. A database should be established with all relevant information including deed information, with alarms set prior to the possible expiration of covenants. These data should be checked annually to ensure that property is not transferred or financing made in excess of the limitations.

Timeframe: Priority A

Responsible Parties: Affordable Housing Trust

Resources Required: Donated time of committee members.

b. Help Qualifying Residents Access Housing Assistance

Dozens of programs and resources are available to home owners and home buyers. Some programs are targeted at specific populations such as the elderly, veterans, first time home owners, etc. A list including summaries of the assistance and qualifying criteria should be prepared by the Affordable Housing Trust, Housing Authority, or Council On Aging and posted on the town website.

Timeframe: Priority B

Responsible Parties: Housing Authority

Resources Required: Donated time of committee members

c. Help Homeowners with Rehabilitation and Financing Assistance

There are many state and federal programs and resources available to homeowners for repairs, upgrades, and financing. Resources include incentives for repairs and

improvements that either improve the value of the home or reduce the cost of ownership. Energy efficient appliances and other energy saving programs are also available. Some programs are targeted at specific populations such as the elderly or veterans. A list including summaries of the assistance and qualifying criteria should be prepared by the Affordable Housing Trust, Housing Authority, or Council On Aging and posted on the town website.

The town should consider initiating a housing rehabilitation program in older neighborhoods targeted toward those on fixed incomes. A tax abatement program could be set up for elderly, veteran, or the disabled to make the cost of homeownership more affordable.

Timeframe: Priority B

Responsible Parties: Council on Aging

Resources Required: Donated time of committee members

2. Zoning and Planning Coordination

Housing production in a community, not only is contingent on actual development projects, but is strongly influenced by the planning and regulatory atmosphere. Established regulations enable localities to make well-informed decisions to strategically invest limited public and private resources. Effective and efficient execution of the HPP strategies requires knowledge and flexibility in the application of the town's Zoning Bylaws. Sound planning practices and regulatory structures are needed to direct growth to the most appropriate locations, and expeditiously move development forward to completion.

a. Promote Mixed-Use Development

Current zoning allows mixed-use (commercial and residential uses) in its Business District and the Master Plan strongly endorsed the idea. This type of development is appropriate where public transit exists and pedestrian access to shopping exists and where both businesses and residents would benefit.

- Create a Village District in the existing 'village areas' of Oakdale, Pinecroft, and the Town Center that preserves the small-scale commercial and residential uses and allows architecturally-compatible building and adaptive reuse.
- Encourage redevelopment of business properties along Route 12 to include the mixed-use concept to gain additional value with housing on upper floors.
- Include Mixed-Use development in the Comprehensive Permit Policy as a preferred housing type and include design guidelines for desirable mixed-use development.

Timeframe: Priority B

Responsible Party: Economic Development Task Force

Resources Required: Minimal contracted time of a professional along with donated time of volunteers, staff, and Town officials to prepare written materials.

b. Promote Use of Residential Cluster Development

Current zoning allows utilization of a Residential Cluster Development alternative to the typical subdivision design that allows greater density on a portion of a tract, while protecting and providing more expansive open spaces or agricultural areas. The Planning Board should discuss this alternative when a Preliminary Subdivision Plan is submitted.

Timeframe: Priority A

Responsible Party: Planning Board

Resources Required: Donated time of Town officials

c. Create Inventory of Properties Suitable for Subsidized Housing

This HPP includes a list of potential town-owned properties that may be suitable for the development of Subsidized Housing. The Affordable Housing Trust should regularly review the inventory of own-owned property and determine which parcels, if any, might be appropriate for Subsidized Housing or a mix of uses. The list of properties with potential for Subsidized Housing should be incorporated into all planning efforts within the town including the Master Plan, Open Space and Recreation Plan, and Building Development Committee.

The Affordable Housing Trust should also review and consider private properties and groupings of properties owned by the same entity that might be suitable for Subsidized Housing. The owners, with the assistance of the Affordable Housing Trust, could proceed to develop, partner with a developer, or coordinate town acquisition for the town to proceed with the process.

Town acquisition of additional property through the tax foreclosure process should be encouraged where appropriate.

Timeframe: Priority A

Responsible Parties: Affordable Housing Trust

Resources Required: Donated time of Affordable Housing Trust, staff time, with minor contracted time of a professional familiar with mapping/assessor records.

3. Build Local Capacity to Promote Subsidized Housing

Capacity improvements are needed to carry out the strategies included in this HPP. 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.

a. Coordinate and Streamline Housing Efforts

The housing development process is very confusing and convoluted. While each town body has a role with regard to housing – general planning, specific planning, permitting, advising, funding, etc. - the roles and responsibilities should be clearly defined in a document distributed to all parties involved. This will provide consistent and clear direction to developers, and guide reviewers and residents toward the types and conditions of the development that are specifically needed and desired in West Boylston.

Timeframe: Priority A

Responsible Party: Affordable Housing Trust

Resources Required: Contracted time of a professional along with donated time of volunteers, staff, and municipal officials to prepare written materials.

b. Secure Professional Support

Most of the strategies included in this Plan require a lead role from a professional with expertise in planning and the housing development process. This professional should be experienced in representing the interests of municipalities as well as knowledgeable of the regional housing development needs. This is not intended to be a full-time position, but would be contracted as needed. Initial program setup would be a significant effort, and then an as-needed basis would suffice. A community housing specialist or a non-profit development organization may serve this need as well. Community Preservation Act (CPA) funds may be leveraged with grants or other incentives from the State for the initial year or two.

Preliminary discussions with the Towns of Boylston and Sterling were initiated in 2011 to consider a shared specialist.

Timeframe: Priority A

Responsible Party: Affordable Housing Trust

Resources Required: Initial funding will vary according to extent of services and may be eligible under CPA. Time needed from Town officials to prepare written scope.

c. Conduct Ongoing Community Outreach

Many residents are unaware or even antagonistic of Subsidized Housing proposals. They believe the negative stereotypes of Subsidized Housing, and of its proponents. Given these perceptions, it is important for the town to build an active and educated constituency for local Subsidized Housing using the following means:

- Hold general forums before any specific new development is proposed.
- Initiate a community meeting when any specific development is proposed.
- Hold annual housing summits to open communication to and among relevant town boards and committees on issues related to Subsidized Housing.
- Provide public information on existing programs and services on community local access, in the local newspaper, or as Town tax or water bill inserts.
- Provide ongoing educational opportunities for board and committee members.

Timeframe: Priority A

Responsible Party: West Boylston Affordable Housing Trust

Resources Required: Contracted time of a professional along with donated time of volunteers, staff, and Town officials to prepare written materials.

d. Establish a Comprehensive Permit Policy

A Comprehensive Permit Policy provides potential developers information specific to West Boylston regarding the application process, anticipated fees and financing requirements, desired outcomes, minimum performance standards and possible negotiable items. Such a Policy promotes greater cooperation between the town and developers, clarifying the town's desires while enabling the developer to more easily predict what the town is willing to approve. Holden recently enacted this type of policy.

The Affordable Housing Trust should include in its policy and also support legislation to make all 40B affordable units deed restricted in perpetuity; and require all 40B projects to be independently certified and audited for excess profits.

Timeframe: Priority A

Responsible Party: West Boylston Zoning Board of Appeals

Resources Required: Minimal contracted time of a professional along with donated time of volunteers, staff, and Town officials to prepare written materials.

e. Capitalize the Affordable Housing Trust Fund

Having a capitalized Affordable Housing Trust Fund enables the town to competitively respond to market opportunities as they arise. In 2012 the Fund had received about \$50,000 in commitments.

Other sources are available from the "Housing" portion of CPA funds. The CPC could routinely dedicate this minimum allotment of 10% to the Trust Fund at Town Meeting for the Trust's use as needed and not specifically associated with a particular action or property. This allotment is required under the CPA law to be only used for Housing and the Trust would ensure it is utilized appropriately. Regular dedication would allow the expenditure by the Affordable Housing Trust in a timely manner without the potential delay of a formal Town Meeting vote. Larger expenditures or those requested from the undesignated portion of the CPA funds would still require specific Town Meeting action.

The Incentive Bylaw was amended in 2010 to add the alternative of making payments in-lieu-of the required units, but no proposals have been received to date.

Timeframe: Priority A

Responsible Party: Board of Selectmen

Resources Required: Volunteer time to draft Town Warrant language and Comprehensive Permit Policy

f. Participate in Regional Collaboration

The issues and challenges of providing Subsidized Housing are not solely impacting West Boylston. Economies of scale can be gained if cooperation among multiple towns can be accomplished. In May 2010, the Towns of West Boylston, Boylston and Sterling using District Local Technical Assistance from the Central Massachusetts Regional Planning Commission began a project to create strategies each community could utilize to more confidently and effectively address Subsidized Housing issues.

Continuation of this effort is anticipated to include assessment of a shared housing specialist and cooperative efforts with continued communication as each town proceeds. Implementing the strategies discussed will enable the towns singly and collaboratively to address matters related to the Subsidized Housing development.

Timeframe: Priority B

Responsible Party: Board of Selectmen

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

g. Negotiate Peer Review Fees for Comprehensive Permit Applications

Establish a written policy to require that developers pay a reasonable fee to the town for peer review services when the Zoning Board of Appeals (ZBA) receives a Comprehensive Permit application. Peer review consultants should be retained by and report directly to the ZBA to provide protection of the interests of the Town. This should also include an

independent professional competent in cost certification and peer review of developer financial statements upon project completion.

Timeframe: Priority A

Responsible Party: Zoning Board of Appeals

Resources Required: Donated time of Zoning Board of Appeals.

4. Partner with Developers to Produce New Subsidized Housing

The Town, through its Zoning Board of Appeals, Housing Authority, Affordable Housing Trust, and Planning Board should work cooperatively with developers that have established experience in producing high quality, attractive housing to offer needed choices for town residents. The Town should encourage projects that comply with the general development policies and meet the town's priority housing needs as described above and be an active partner in the whole development process.

a. Provide Suitable Town-owned property

The utilization, contribution or "bargain sale" of land owned by the town or other public entities, but not essential for government purposes is a component of the stated production goals. The HPP includes a list of potential parcels that might be developed to include Subsidized Housing. Town meeting approval is required for the conveyance of town-owned properties. The Affordable Housing Trust, with some assistance by a contracted professional should 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. Coordination with the State's Department of Housing and Community Development (DHCD) to discuss the project and obtain their early input into project financing options is critical.

Timeframe: Priority A

Responsible Parties: Board of Selectmen

Resources Required: Donated time of Affordable Housing Trust, Selectmen, Town officials, staff and some contracted consultant time to provide support.

b. Consider Reuse of County Hospital Property

The Worcester County Hospital property is bisected by the town line with Boylston. This property is included in their Housing Production Plan that has already been accepted by the State. A cooperative effort to approach the State may provide significant benefits to the town in reaching its Subsidized Housing goals. This is anticipated to be a long range strategy, since authorization and actions from State agencies can take time. There appears to be about 18 acres of developable area evenly split between the Towns of Boylston and West Boylston. Though it is in the Conservation District, a Local Initiative Project could be developed.

The town would need to collaborate with the Town of Boylston and the Commonwealth to prepare a plan for the site and evaluate the desired options and needs of all parties.

Timeframe: Priority B

Responsible Parties: Affordable Housing Trust

Resources Required: Donated time of Affordable Housing Trust, Selectmen.

c. Offer Predevelopment Funding

The Affordable Housing Trust should provide due diligence to insure that development on town-owned land will be feasible. It is most beneficial if the Affordable Housing Trust contracts for preliminary feasibility analyses (the costs can be covered by CPA funds), then the town could declare the property as surplus and convey it to the Housing Trust following town meeting approval. This process may apply to the back land off Maple Street that the Housing Authority has not yet developed.

Timeframe: Priority B

Responsible Parties: Affordable Housing Trust

Resources Required: CPA funding or possible Housing Trust Funds. Donated time of Affordable Housing Trust, Selectmen, Town officials, staff and some contracted consultant time to provide support.

d. Support Permitting with Advocacy

Projects may warrant densities or other regulatory relief beyond what is allowed under the existing Zoning Bylaw. The “friendly” 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). It can be extremely helpful to have local advocates, trusted by the public to protect the Town’s interests, to attend and support such relief when obtaining regulatory approvals if the conditions exist to be beneficial for the Town. These advocates should be knowledgeable of the regulatory requirements, and be able to clearly identify both the benefits and negative impacts of any potential relief requested.

Timeframe: Priority A

Responsible Parties: Affordable Housing Trust

Resources Required: Donated time of Affordable Housing Trust or other town official.

e. Provide Support and Gap Financing

While the developer is responsible for obtaining financing, support from the Board of Selectmen and Affordable Housing Trust is important. Letters of support are critical when applying for subsidies. Providing some level of local funding demonstrates an investment by the community and sends a strong message to potential funders, making the project more competitive. Typically CPA money (though it could be from other sources) often provides the last “gap filler” and the key leverage to secure necessary financing.

Timeframe: Priority B

Responsible Parties: Affordable Housing Trust

Resources Required: CPA funds, possibly Housing Trust Funds, Donated time of committee members and contracted professional staff person

Table 28 - Summary of Housing Strategies

Strategy	Priority	Lead Entity
1. Preserve Existing Subsidized Housing		
a. Monitor and Maintain SHI	A	AHT
b. Help Qualifying Residents Access Housing Assistance	B	HA
c. Help Homeowners with Rehabilitation and Financing Assistance	B	COA
2. Zoning and Planning Coordination		
a. Promote Mixed-Use Development	B	EDTF
b. Promote Use of Residential Cluster Development	A	PB
c. Create Inventory of Properties Suitable for Subsidized Housing	A	AHT
3. Build Local Capacity to Promote Subsidized Housing		
a. Coordinate and Streamline Housing Efforts	A	AHT
b. Secure Professional Support	A	AHT
c. Conduct Ongoing Community Outreach	A	AHT
d. Establish a Comprehensive Permit Policy	A	ZBA
e. Capitalize the Affordable Housing Trust Fund	A	BOS
f. Participate in Regional Collaboration	B	BOS
g. Negotiate Peer Review Fees for Comprehensive Permit Applications	A	ZBA
4. Partner with Developers to Produce New Subsidized Housing		
a. Provide Suitable Town-owned Property	A	BOS
b. Consider Reuse of County Hospital Property	B	AHT
c. Offer Predevelopment Funding	B	AHT
d. Support Permitting With Advocacy	A	AHT
e. Provide Support and Gap Financing	B	AHT

Abbreviations:

AHT – Affordable Housing Trust

BOS – Board of Selectmen

COA – Council On Aging

EDTF – Economic Development Task Force

HA – Housing Authority

PB – Planning Board

ZBA – Zoning Board of Appeals

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Summary of Housing Regulations taken from Harwich Housing Production Plan, 2009

I. SUMMARY OF HOUSING REGULATIONS

A. Chapter 40B Comprehensive Permit Law

The Massachusetts Comprehensive Permit Law, Chapter 40B Sections 20-23 of the General Laws, was enacted as Chapter 774 of the Acts of 1969 to encourage the construction of affordable housing throughout the state, particularly outside of cities. Often referred to as the Anti-Snob Zoning Act, it requires all communities to use a streamlined review process through the local Zoning Board of Appeals for “comprehensive permits” submitted by developers for projects proposing zoning and other regulatory waivers and incorporating affordable housing for at least 25% of the units. Only one application is submitted to the ZBA instead of separate permit applications that are typically required by a number of local departments as part of the normal development process. Here the ZBA takes the lead and consults with the other relevant departments (e.g., building department, planning department, highway department, fire department, sanitation department, etc.) on a single application. The Conservation Commission retains jurisdiction under the Wetlands Protection Act and Department of Environmental Protection, the Building Inspector applies the state building code, and the Board of Health enforces Title 5.

For a development to qualify under Chapter 40B, it must meet all of the following requirements:

- Must be part of a “subsidized” development built by a public agency, non-profit organization, or limited dividend corporation.
- At least 25% of the units in the development must be income restricted to households with incomes at or below 80% of area median income and have rents or sales prices restricted to affordable levels income levels defined each year by the U.S. Department of Housing and Urban Development.
- Restrictions must run for minimum of 30 years or longer for new construction or for a minimum of 15 years or longer for rehabilitation. Alternatively, the project can provide 20% of the units to households below 50% of area median income. New homeownership must have deed restrictions that extend in perpetuity.
- Development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.
- Project sponsors must meet affirmative marketing requirements. According to Chapter 40B, Section 56.03, the ZBA decision to deny or place conditions on a comprehensive permit project cannot be appealed by the developer if any of the following conditions are met:
 - The community has met the “statutory minima” by having at least 10% of its year-round housing stock affordable as defined by Chapter 40B, at least 1.5% of the community’s land area includes affordable housing as defined again by 40B, or annual affordable housing construction is on at least 0.3% of the community’s land area.
 - The community has made “recent progress” adding SHI eligible housing units during the prior 12 months equal at least to 2% of its year-round housing.
 - The community has a one- or two-year exemption under Housing Production.
 - The application is for a “large project” that equals at least 6% of all housing units in a community with less than 2,500 housing units.
 - A “related application” for the site was filed, pending or withdrawn within 12 months of the application.

If a municipality does not meet any of the above thresholds, it is susceptible to appeals by comprehensive permit applicants of the ZBA’s decision to the state’s Housing Appeals Committee (HAC). This makes the Town susceptible to a state override of local zoning if a developer chooses to create affordable housing through the Chapter 40B comprehensive permit process. Chapter 774 of the Acts of 1969 established the Massachusetts Comprehensive Permit Law (Massachusetts General Laws Chapter 40B) to facilitate the development of affordable housing for low- and moderate-income households (defined as any housing subsidized by the federal or state government under any program to assist in the construction of low- or moderate-income housing for those earning less than 80% of median income) by permitting the state to override local zoning and other restrictions in communities where less than 10% of the year-round housing is subsidized for low- and moderate-income households.

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The regulations require that ZBA's provide early written notice (within 15 days of the opening of the local hearing) to the application and to DHCD if they intend to deny or condition the permit based on the grounds listed above that make the application appeal proof, providing documentation for its position. Under these circumstances, municipalities can count projects with approved comprehensive permits that are under legal approval, but not by the ZBA, at the time.

Applicants wishing to appeal the ZBA decision based on appeal-proof grounds must notify the ZBA and DHCD in writing within 15 days of receipt of the ZBA notice. If the applicant appeals, DHCD will review materials from the ZBA and applicant and issue a decision within 30 days of receipt of the appeal (failure to issue a decision is a construction approval of the ZBA's position). Either the ZBA or application can appeal DHCD's decision by filing an interlocutory appeal with the Housing appeals Committee (HAC) within 20 days of receiving DHCD's decision. If a ZBA fails to follow this procedure, it waives its right to deny a permit on these "appeal-proof" grounds.

Chapter 40B addresses when a community can count a unit as eligible for inclusion in the SHI including:

- *40R Units receiving Plan Approval* under 40R now count when the permit or approval is filed with the municipal clerk provided that no appeals are filed by the board or when the last appeal is fully resolved, similar to a Comprehensive Permit project.
- *Certificate of Occupancy (CO)* Units added to the SHI on the basis of receiving building permits become temporarily ineligible if the CO is not issued within 18 months.
- *Large Phased Projects* If the comprehensive permit approval or zoning approval allows a project to be built in phases and each phase includes at least 150 units and average time between the start of each phase is 15 months or less, then the entire project remains eligible for the SHI as long as the phasing schedule set forth in the permit approval continues to be met.
- *Projects with Expired Use Restrictions* Units become ineligible for inclusion in the SHI upon expiration or termination of the initial use restriction unless a subsequent use restriction is imposed.
- *Biennial Municipal Reporting* Municipalities are responsible for providing the information on units that should be included in the SHI through a statement certified by the chief executive officer.

Towns are allowed to set aside up to 70% of the affordable units available in a 40B development for those who have a connection to the community as defined per requirements under the state's Local Initiative Program.

There are ongoing discussions regarding how the State should count the affordable units for the purpose of determining whether a community has met its 10% goal. For a rental project if the subsidy applies to the entire project, all units are counted towards the state standard. For homeownership projects, only the units made affordable to those households earning within 80% of median income can be attributed to the affordable housing inventory.

40B Process

There are up to three stages in the 40B process – the project eligibility stage, the application stage, and at times the appeals stage. First, the applicant must apply for eligibility of a proposed 40B project/site from a subsidizing agency. Under Chapter 40B, subsidized housing is not limited exclusively to housing receiving direct public subsidies but also applies to privately-financed projects receiving technical assistance from the State through its Local Initiative Program (LIP) or through MassHousing (Housing Starts Program), Federal Home Loan Bank Board (New England Fund), MassDevelopment, and Massachusetts Housing Partnership Fund. The subsidizing agency then forwards the application to the local Board of Selectmen for a 30-day comment period. The Board of Selectmen solicits comments from Town officials and other boards and based on their review the subsidizing agency typically issues a project eligibility letter. Alternatively, a developer may approach the Board of Selectmen for their endorsement of the project, and they can make a joint application to DHCD for certification under the Local Initiative Program (for more information see description in Section I.E below).

The items a subsidizing agency must consider when determining site eligibility include:

- *Information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, including inclusionary zoning, multi-family districts and 40R overlay zones.*
- Whether the conceptual design is appropriate for the site including building massing, topography, environmental resources, and integration into existing development patterns.

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- That the land valuation, as included in the pro forma, is consistent with DHCD guidelines regarding cost examination and limitations on profits and distribution.
- Requires that LIP site approval applications be submitted by the municipality's chief executive officer.
- Specifies that members of local boards can attend the site visit conducted during DHCD's 30-day review period.
- Requires that the subsidizing agency provide a copy of its determination of eligibility to DHCD, the chief executive officer of the municipality, the ZBA and the applicant.

If there are substantial changes to a project before the ZBA issues its decision, the subsidizing agency can defer the re-determination of site/project eligibility until the ZBA issues its decision unless the chief executive officer of the municipality or applicant request otherwise. 40B regulations provide detail on this re-determination process. Additionally, challenges to project eligibility determinations can only be made on the grounds that there has been a substantial change to the project that affects project eligibility requirements and leaves resolution of the challenge to the subsidizing agency.

The next stage in the comprehensive permit process is the application phase including pre-hearing activities such as adopting rules before the application is submitted, setting a reasonable filing fee, providing for technical "peer review" fees, establishing a process for selecting technical consultants, and setting forth minimum application submission requirements. Failure to open a public hearing within 30 days of filing an application can result in constructive approval. The public hearing is the most critical part of the whole application process. This is the chance for the Zoning Board of Appeals' consultants to analyze existing site conditions, advise the ZBA on the capacity of the site to handle the proposed type of development, and to recommend alternative development designs. Here is where the ZBA gets the advice of experts on unfamiliar matters – called peer review. Consistency of the project with local needs is the central principal in the review process.

Another important component of the public hearing process is the project economic analysis that determines whether conditions imposed and waivers denied would render the project "uneconomic". The burden of proof is on the applicant, who must prove that it is impossible to proceed and still realize a reasonable return, which cannot be more than 20%. Another part of the public hearing process is the engineering review. The ZBA directs its consultants to analyze the consistency of the project with local bylaws and regulations and to examine the feasibility of alternative designs.

Chapter 40B regulations list a number of requirements related to the hearing process that include:

- The hearing must be terminated within 180 days of the filing of a complete application unless the applicant consents to extend.
- Allows communities already considering three (3) or more comprehensive permit applications to stay a hearing on additional applications if the total units under consideration meet the definition of a large project (larger of 300 units or 2% of housing in communities with 7,500 housing units as of the latest Census, 250 units in communities with 5,001 to 7,499 total units, 200 units in communities with 2,500 to 5,000 units, and 150 units or 10% of housing in communities with less than 2,500 units).
- Local boards can adopt local rules for the conduct of their hearings, but they must obtain an opinion from DHCD that their rules are consistent with Chapter 40B.
- Local boards cannot impose "unreasonable or unnecessary" time or cost burdens on an applicant and bans requiring an applicant to pay legal fees for general representation of the ZBA or other boards. The requirements go into the basis of the fees in more detail, but as a general rule the ZBA may not assess any fee greater than the amount that might be appropriated from town or city funds to review a project of a similar type and scale.
- An applicant can appeal the selection of a consultant within 20 days of the selection on the grounds that the consultant has a conflict of interest or lack minimum required qualifications.
- Specify and limit the circumstances under which ZBA's can review pro formas.
- Zoning waivers are only required under "as of right" requirements, not from special permit requirements.
- Forbids ZBA's from imposing conditions that deviate from the project eligibility requirements or that would require the project to provide more affordable units than the minimum threshold required by DHCD guidelines.

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- States that ZBA's cannot delay or deny an application because a state or federal approval has not been obtained.
- Describes what constitutes an uneconomic condition including requiring applicants to pay for off-site public infrastructure or improvements if they involve pre-existing conditions, are not usually imposed on unsubsidized housing or are disproportionate to the impacts of the proposed development or requiring a reduction in the number of units other than on a basis of legitimate local concerns (health, safety, environment, design, etc.). Also states that a condition shall not be considered uneconomic if it would remove or modify a proposed nonresidential element of a project that is not allowed by right.

After the public hearing is closed, the ZBA must set-aside at least two sessions for deliberations within 40 days of the close of the hearing. These deliberations can result in either approval, approval with conditions, or denial.

Subsidizing agencies are required to issue final project eligibility approvals following approval of the comprehensive permit reconfirming project eligibility, including financial feasibility, and approving the proposed use restriction and finding that the applicant has committed to complying with cost examination requirements. Chapter 40B regulations set forth the basic parameters for insuring that profit limitations are enforced, while leaving the definition of "reasonable return" to the subsidizing agency in accordance with DHCD guidelines. The applicant or subsequent developer must submit a detailed financial statement, prepared by a certified public accountant, to the subsidizing agency in a form and schedule determined by the DHCD.

If the process heads into the third stage – the appeals process – the burden is on the ZBA to demonstrate that the denial is consistent with local needs, meaning the public health and safety and environmental concerns outweigh the regional need for housing. If a local ZBA denies the permit, a state Housing Appeals Committee (HAC) can overrule the local decision if less than 10% of the locality's year round housing stock has been subsidized for households earning less than 80% of median income, if the locality cannot demonstrate health and safety reasons for the denial that cannot be mitigated, or if the community has not met housing production goals based on an approved plan or other statutory minima listed above. The HAC has upheld the developer in the vast majority of the cases, but in most instances promotes negotiation and compromise between the developer and locality. In its 30-year history, only a handful of denials have been upheld on appeal. The HAC cannot issue a permit, but may only order the ZBA to issue one. Also, any aggrieved person, except the applicant, may appeal to the Superior Court or Land Court, but even for abutters, establishing "standing" in court is an uphill battle. Appeals from approvals are often filed to force a delay in commencing a project, but the appeal must demonstrate "legal error" in the decision of the ZBA or HAC.

B. Housing Production Regulations

As part of the Chapter 40B comprehensive permit regulations, the Massachusetts Department of Housing and Community Development (DHCD) administers the Housing Production Program in accordance with regulations that enable cities and towns to do the following:

- Prepare and adopt an Housing Production Plan that demonstrates production of an increase of 0.5% over one year or 1.0% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory for *approval* by DHCD (Chapter 40B, 760 CMR 31.07 (1)(i)).
- Request *certification* of compliance with the plan by demonstrating production of at least the number of units indicated above.
- Through local ZBA action, deny a comprehensive permit application during the period of certified compliance, which is 12 months following submission of the production documentation to DHCD, or 24 months if the 1.0% threshold is met.

For the plan to be acceptable to DHCD it must meet the following requirements:

- Include a comprehensive housing needs assessment to establish the context for municipal action based on the most recent census data. The assessment must include a discussion of municipal infrastructure include future planned improvements.
- Address a mix of housing consistent with identified needs and market conditions.
- Address the following strategies including:
 - Identification of geographic areas in which land use regulations will be modified to accomplish affordable housing production goals.

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- Identification of specific sites on which comprehensive permit applications will be encouraged.
- Preferable characteristics of residential development such as infill housing, clustered areas, and compact development.
- Municipally owned parcels for which development proposals will be sought.
- Participation in regional collaborations addressing housing development.

Plans must be adopted by the Board of Selectmen and Planning Board, and the term of an approved plan is five (5) years.

C. Chapter 40R/40S

In 2004, the State Legislature approved these zoning tools for communities in recognition that escalating housing prices, now beyond the reach of increasing numbers of state residents, are causing graduates from area institutions of higher learning to relocate to other areas of the country in search of greater affordability. The Commonwealth Housing Task Force, in concert with other organizations and institutions, developed a series of recommendations, most of which were enacted by the State Legislature as Chapter 40R of the Massachusetts General Laws. The key components of these regulations are that “the state provide financial and other incentives to local communities that pass Smart Growth Overlay Zoning Districts that allow the building of single-family homes on smaller lots and the construction of apartments for families at all income levels, and the state increase its commitment to fund affordable housing for families of low and moderate income”.

The statute defines 40R, Section 11 as “a principle of land development that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, fosters distinctive and attractive communities, preserves opens space, farmland, natural beauty and critical environmental areas, strengthens existing communities, provides a variety of transportation choices, makes development decisions predictable, fair and cost effective and encourages community and stakeholder collaboration in development decisions.”

The key components of 40R include:

- Allows local option to adopt Overlay Districts near transit, areas of concentrated development, commercial districts, rural village districts, and other suitable locations;
- Allows “as-of-right” residential development of minimum allowable densities;
- Provides that 20% of the units be affordable;
- Promotes mixed-use and infill development;
- Provides two types of payments to municipalities; and
- Encourages open space and protects historic districts.

The incentives prescribed by the Task Force and passed by the Legislature include an incentive payment upon the passage of the Overlay District based on the number of projected housing units. There are also density bonus payments for each residential unit issued a building permit. To be eligible for these incentives the Overlay Districts need to allow mixed-use development and densities of 20 units per acre for apartment buildings, 12 units per acre for two and three-family homes, and at least eight units per acre for single-family homes. Communities with populations of less than 10,000 residents are eligible for a waiver of these density requirements, however significant hardship must be demonstrated. The Zoning Districts would also encourage housing development on vacant infill lots and in underutilized nonresidential buildings. The Task Force in “the Housing Strategy for Smart Growth and Economic Development: Executive Summary” emphasizes that Planning Boards, which would enact the Zoning Districts, would be “able to ensure that what is built in the District is compatible with and reflects the character of the immediate neighborhood.”

The principal benefits of 40R include:

- Expands a community’s planning efforts;
- Allows communities to address housing needs;
- Allows communities to direct growth;
- Can help communities meet production goals and 10% threshold under Chapter 40B;
- Can help identify preferred locations for 40B developments; and

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- State incentive payments.

The formal steps involved in creating Overlay Districts are as follows:

- The Town holds a public hearing as to whether to adopt an Overlay District per the requirements of 40R;
- The Town applies to DHCD prior to adopting the new zoning;
- DHCD reviews the application and issues a Letter of Eligibility if the new zoning satisfies the requirements of 40R;
- The Town adopts the new zoning through a two-thirds vote of Town Meeting subject to any modifications required by DHCD;
- The Town submits evidence of approval to DHCD upon the adoption of the new zoning; and
- DHCD issues a letter of approval, which indicates the number of incentive units and the payment amount.

Chapter 40S under the Massachusetts General Law provides additional benefits through insurance to towns that build affordable housing under 40R that they would not be saddled with the extra school costs caused by school-aged children who might move into this new housing. This funding was initially included as part of 40R but was eliminated during the final stages of approval. In effect, 40S is a complimentary insurance plan for communities concerned about the impacts of a possible net increase in school costs due to new housing development.

D. Local Initiative Program (LIP) Guidelines

The Local Initiative Program (LIP) is a technical assistance subsidy program to facilitate Chapter 40B developments and locally produced affordable units. The general requirements of LIP include insuring that projects are consistent with sustainable or smart growth development principles as well as local housing needs. LIP recognizes that there is a critical need for all types of housing but encourages family and special needs housing in particular. Age-restricted housing (over 55) is allowed but the locality must demonstrate actual need and marketability. DHCD has the discretion to withhold approval of age-restricted housing if other such housing units within the community remain unbuilt or unsold or if the age-restricted units are unresponsive to the need for family housing within the context of other recent local housing efforts.

There are two types of LIP projects, those using the comprehensive permit process, the so-called “friendly” 40B’s, and Local Action Units, units where affordability is a result of some local action such as inclusionary zoning, Community Preservation funding, other regulatory requirements, etc.

Specific LIP requirements include the following by category:

Income and Assets

- Must be affordable to those earning at or below 80% of area median income adjusted by family size and annually by HUD. Applicants for affordable units must meet the program income limits in effect at the time they apply for the unit and must continue to meet income limits in effect when they actually purchase a unit.
- For homeownership units, the household may not have owned a home within the past three years except for age-restricted “over 55” housing.
- For homeownership projects, assets may not be greater than \$75,000 except for age-restricted housing where the net equity from the ownership of a previous house cannot be more than \$200,000.
- Income and asset limits determine eligibility for lottery participation.

Allowable Sales Prices and Rents

DHCD has an electronic mechanism for calculating maximum sales prices on its website at www.mass.gov/dhcd.

- Rents are calculated at what is affordable to a household earning 80% of area median income adjusted for family size, assuming they pay no more than 30% of their income on housing. Housing costs include rent and payments for heat, hot water, cooking fuel, and electric. If there is no municipal trash collection a trash removal allowance should be included. If utilities are separately metered and paid by the tenant, the LIP rent is reduced based on the area’s utility allowance. Indicate on the DHCD application whether the proposed rent has been determined with the use of utility allowances for some or all utilities.

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- Sales prices of LIP units are set so a household earning 70% of area median income would have to pay no more than 30% of their income for housing. Housing costs include mortgage principal and interest on a 30-year fixed term mortgage at 95% of purchase price, property taxes, condo fees, private mortgage insurance (if putting less than 20% of purchase price down), and hazard insurance. DHCD will review condo fee estimates and approve a maximum condo fee as part of the calculation of maximum sales price. The percentage interests assigned to the condo must conform to the approved condo fees and require a lower percentage interest assigned to the affordable units as opposed to the market rate ones. DHCD must review the Schedule of Beneficial Interests in the Master Deed to confirm that LIP units have been assigned percentage interests that correspond to the condo fees.
- The initial maximum sales price or rent is calculated as affordable to a household with a number of household members equal to the number of bedrooms plus one (for example a two-bedroom unit would be priced based on what a three-person household could afford).

Allowable Financing and Costs

- Allowable development costs include the “as is” value of the property based on existing zoning at the time of application for a project eligibility letter (initial application to DHCD). Carrying costs (i.e., property taxes, property insurance, interest payments on acquisitions financing, etc.) can be no more than 20% of the “as is” market value unless the carrying period exceeds 24 months. Reasonable carrying costs must be verified by the submission of documentation not within the exclusive control of the applicant.
- Appraisals are required except for small projects of 20 units or less at the request of the Board of Selectmen where the applicant for the LIP comprehensive permit submits satisfactory evidence of value.
- Profits are limited to no more than 20% of total allowable development costs in homeownership projects.
- In regard to rental developments, payment of fees and profits are limited to no more than 10% of total development costs net of profits and fees and any working capital or reserves intended for property operations. Beginning upon initial occupancy and then proceeding on an annual basis, annual dividend distributions will be limited to no more than 10% of the owner’s equity in the project. Owner’s equity is the difference between the appraised as-built value and the sum of any public equity and secured debt on the property.
- For LIP comprehensive permit projects, DHCD requires all developers to post a bond (or a letter of credit) with the municipality to guarantee the developer’s obligations to provide a satisfactory cost certification upon completion of construction and to have any excess profits, beyond what is allowed, revert back to the municipality. The bond is discharged after DHCD has determined that the developer has appropriately complied with the profit limitations.
- No third party mortgages are allowed for homeownership units.

Marketing and Outreach (refer to state Affirmative Fair Housing Marketing Plan guidelines dated June 25, 2008.)

- Marketing and outreach, including lottery administration in adherence with all Fair Housing laws.
- LIP requires that the lottery draw and rank households by size.
- If there are proportionately less minority applicants in the community preference pool than the proportion in the region, a preliminary lottery must be held to boost, if possible, the proportion of minority applicants to this regional level.
- A maximum of 70% of the units may be local preference units for those who have a connection to the community as defined under state guidelines (Section C: Local Preference section of the Affirmative Fair Housing Marketing Plan Guidelines (dated June 25, 2008).
- The Marketing Plan must affirmatively provide outreach to area minority communities to notify them about availability of the unit(s).
- Marketing materials must be available/application process open for a period of at least 60 days.
- Marketing should begin about six (6) months before occupancy.
- Lottery must be held unless there are no more qualified applicants than units available.

Regulatory Requirements

- The affordable units design, type, size, etc. must be the same as the market units and dispersed throughout the development.

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- Units developed through LIP as affordable must be undistinguishable from market units as viewed from the exterior (unless the project has a DHCD-approved alternative development plan that is only granted under exceptional circumstances) and contain complete living facilities.
- For over 55 projects, only one household member must be 55 or older.
- Household size relationship to unit size is based on “households” = number of bedrooms plus one – i.e., a four-person household in a three-bedroom unit (important also for calculating purchase prices of the affordable units for which LIP has a formula as noted above).
- Must have deed restrictions in effect in perpetuity unless the applicant or municipality can justify a shorter term to DHCD.
- All affordable units for families must have at least two or more bedrooms and meet state sanitary codes and these minimum requirements:
 - 1 bedroom – 700 square feet/1 bath
 - 2 bedrooms – 900 square feet/1 bath
 - 3 bedrooms – 1,200 square feet/ 1 1/2 baths
 - 4 bedrooms – 1,400 square feet/2 baths
- Appraisals may take into account the probability of obtaining a variance, special permit or other zoning relief but must exclude any value relating to the possible issuance of a comprehensive permit.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects – is largely developer driven. It is based on the understanding that the developer and Town are working together on a project that meets community needs. Minimum requirements include:

1. Written support of the municipality’s chief elected official, the Board of Selectmen in the case of towns, and the local housing partnership, trust or other designated local housing entity. The chief executive officer is in fact required to submit the application to DHCD.
2. At least 25% of the units must be affordable and occupied by households earning at or below 80% of area median income or at least 20% of units restricted to households at or below 50% of area median income.
3. Affordability restrictions must be in effect in perpetuity, to be monitored by DHCD through a recorded regulatory agreement.
4. Project sponsors must prepare and execute an Affirmative Fair Housing Marketing Plan that must be approved by DHCD.
5. Developer’s profits are restricted per Chapter 40B requirements.

The process that is required for using LIP for 40B developments – “friendly” comprehensive permit projects is:

1. Application process
 - Developer meets with Town
 - Developer and Town agree to proposal
 - Town chief elected officer submits application to DHCD with developer’s input
2. DHCD review involves the consideration of:
 - Sustainable development criteria (redevelop first, concentrate development, be fair, restore and enhance the environment, conserve natural resources, expand housing opportunities, provide transportation choice, increase job opportunities, foster sustainable businesses, and plan regionally),
 - Number and type of units,
 - Pricing of units to be affordable to households earning no more than 70% of area median income,
 - Affirmative marketing plan,
 - Financing, and
 - Site visit.
3. DHCD issues site eligibility letter that enables the developer to bring the proposal to the ZBA for processing the comprehensive permit.
4. Zoning Board of Appeals holds hearing
 - Developer and Town sign regulatory agreement to guarantee production of affordable units that includes the price of units and deed restriction in the case of homeownership and limits on rent increases if a rental project. The deed restriction limits the profit upon resale and requires that the units be sold to another buyer meeting affordability criteria.
 - Developer forms a limited dividend corporation that limits profits.
 - The developer and Town sign a regulatory agreement.

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5. Marketing

- An Affirmative Fair Housing Marketing Plan must provide outreach to area minority communities to notify them about availability of the unit(s).
- Local preference is limited to a maximum of 70% of the affordable units.
- Marketing materials must be available/application process open for a period of at least 60 days.
- Lottery must be held.

6. DHCD approval must include

- Marketing plan, lottery application, and lottery explanatory materials
- Regulatory agreement (DHCD is a signatory)
- Deed rider (Use standard LIP document)
- Purchase arrangements for each buyer including signed mortgage commitment, signed purchase and sale agreement and contact information of purchaser's closing attorney.

As mentioned above, 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 created as a result of some local action. Following occupancy of the units, a Local Action Units application must be submitted to DHCD for the units to be counted as affordable. This application is on DHCD's web site.

The contact person at DHCD is Janice Lesniak of the LIP staff (phone: 617-573-1309; fax: 617- 573-1330; email: Janice.lesniak@state.ma.us). For resale questions contact Elsa Campbell, Housing Specialist (phone: 617-573-1321; fax: 617-573-1330; email: elsa.campbell@state.ma.us).

E. MassWorks Infrastructure Program

The Massworks Infrastructure Program (<http://www.mass.gov/hed/economic/eohed/pro/infrastructure/massworks/>) has somewhat replaced the previously established Commonwealth Capital policy that encourages communities to implement smart growth by utilizing the smart growth consistency of municipal land use regulations as part of the evaluation of proposals for state funding under a number of state capital spending programs. Those municipalities with higher scores will be in a more competitive position for receiving state discretionary funding, not just for housing, but for other purposes including infrastructure, transportation, environment, economic development, etc. The state's goal is to invest in projects that are consistent with Sustainable Development Principles that include:

1. Redevelop first;
2. Concentrate development;
3. Be fair;
4. Restore and enhance the environment;
5. Conserve natural resources;
6. Expand housing opportunities;
7. Provide transportation choice;
8. Increase job opportunities;
9. Foster sustainable businesses; and
10. Plan regionally.

Applications can be submitted at any time and will be valid for the programs listed above throughout the current fiscal year. Communities should submit applications prior to the deadline for any Commonwealth Capital program to which they are applying to ensure that their score will count. Applications should be submitted electronically, and each community is assigned its own login and password.

Programs which are affected by Commonwealth Capital include the following that are operated by the Executive Office of Administration and Finance (EOAF), Executive Office of Energy and Environmental Affairs (EOEEA), Executive Office of Housing and Economic Development (EOHED), Executive Office of Transportation and Public Works (EOTPW), Coastal Zone Management (CZM), Massachusetts Office of Business Development (MOBD), Massachusetts Office of Relocation and Expansion (MORE), and the Department of Housing and Community Development (DHCD):

- Public Works Economic Development Program (EOTPW)
- Bike and Pedestrian Program (EOTPW)*
- Transit Oriented Development Bond Program (EOTPW)

APPENDIX A

Summary of Housing Regulations

- Community Development Action Grant Program (EOHED and DHCD)
- State Revolving Fund (EOEEA and DEP)
- Urban Brownfields Assessment Program (EOEEA)*
- Urban Self-Help Program (EOEEA and DCS)
- Drinking Water Supply Protection Grant Program (EOEEA)
- Urban River Visions Program (EOEEA)*
- Coastal Pollutant Remediation Grant Program (EOEEA and CZM)
- Coastal Nonpoint Source Pollution Grant Program (EOEEA and CZM)
- Off-Street Parking Program (EOAF)
- Smart Growth Technical Assistance Program (for this program EOEEA will use inverse Commonwealth Capital scores. Unlike the other 13 programs, a primary goal of this program is to help communities with low scores improve.)

* Indicates programs that are eliminated in proposed program changes.

Draft changes to Commonwealth Capital add the following programs:

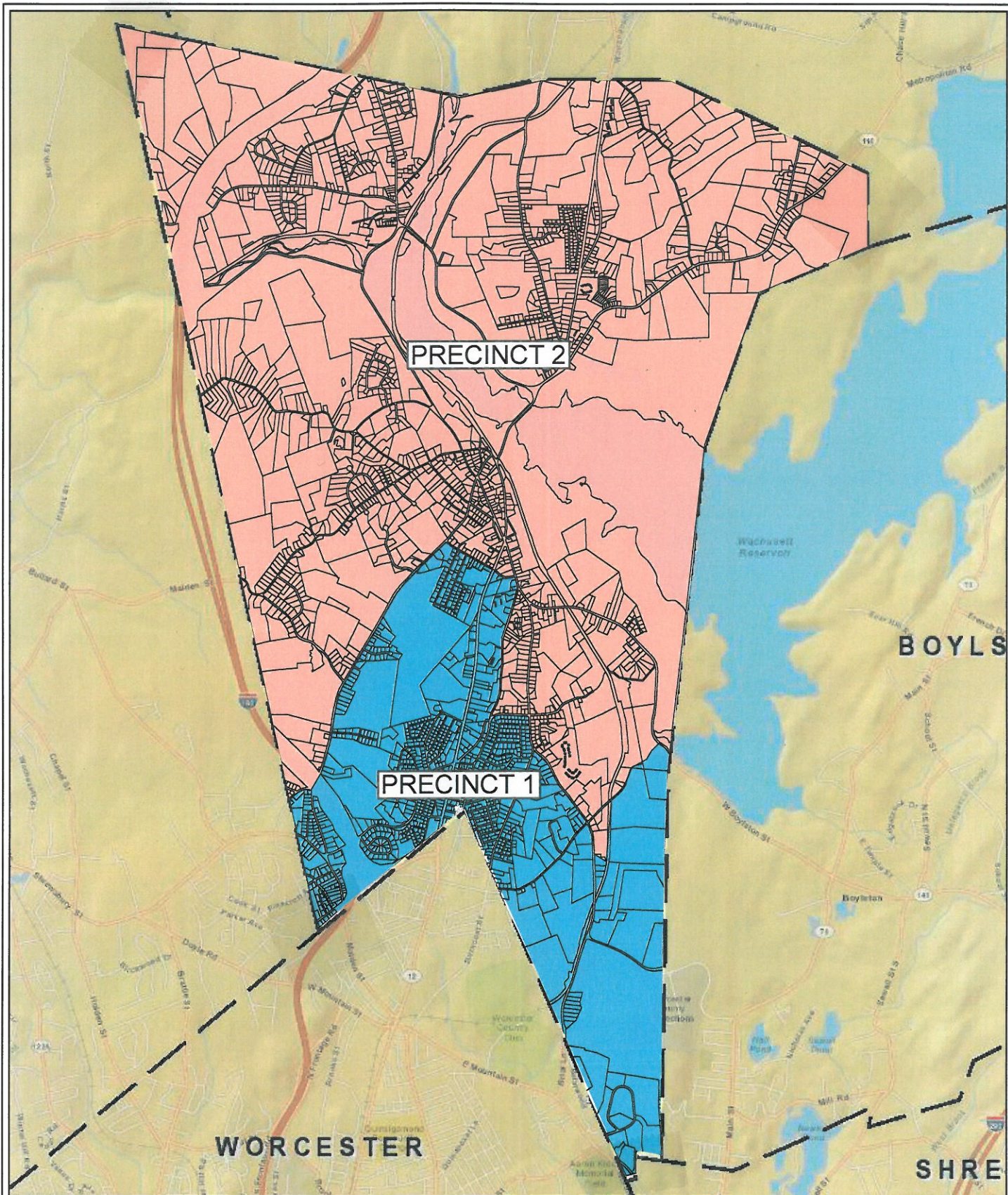
- Small Town Road Assistance Program (EOTPW)
- MA Opportunity Relocation and Expansion (MORE)
- Jobs Capital Program (MOBD)
- Water Transportation Capital Funding Program (EOTPW)
- Alternative Energy Property Program (EOEEA-DOER)

The application involves a maximum score of 140 points, including bonus points. The Commonwealth Capital score will account for 30% of the possible application points for any of the Commonwealth Capital programs, the other 70% points related to the purpose of the particular program and the merits of the proposed project. Communities receive points for zoning, planning, housing, environmental, energy, transportation, and other measures that already exist as well as measures they commit to implement by the end of 2009 (for this year's application). Additionally, communities can receive bonus points for successfully implementing commitments made in their 2008 applications.

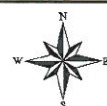
The major components of the Commonwealth Capital application are provided below:

- Plan for and promote livable communities and plan regionally
- Zone for and permit concentrated development and mixed use
- Expand housing opportunities
- Make efficient decisions and increase job and business opportunities
- Protect land and ecosystems
- Use natural resources wisely
- Promote clean energy
- Provide transportation choice
- Advance equity
- Promote sustainable development via other actions
- Bonus points for every prior fiscal year commitment implemented

A greater number of points are granted for actions that are already in place but points are also issued for commitments that have not yet been implemented.



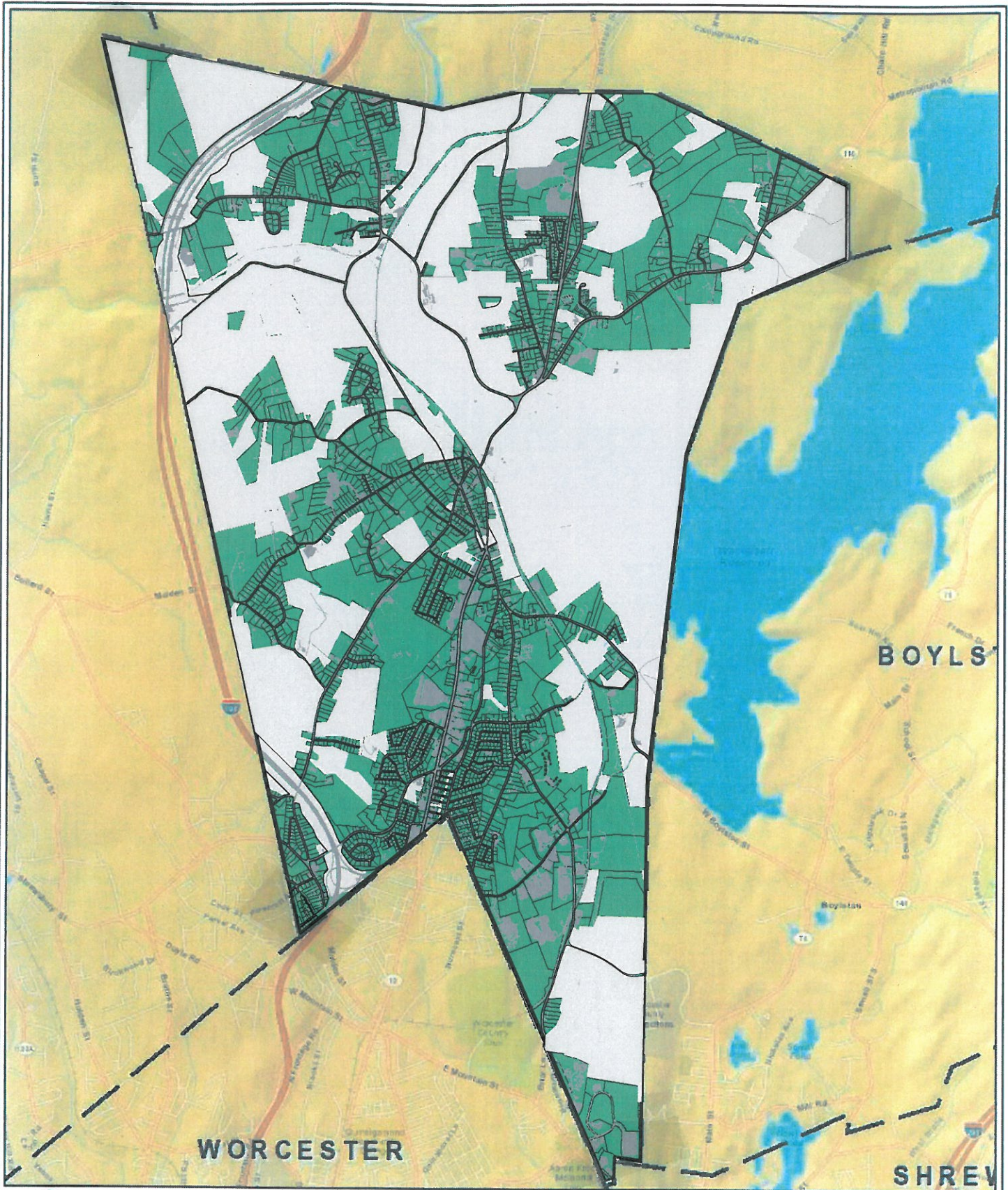
Precinct Map
West Boylston, MA
1 Inch = 4000 Feet
February 19, 2013



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Available Land - Figure 4
 West Boylston, MA
 1 Inch = 4000 Feet
 February 20, 2013



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