

Town of Medfield Affordable Housing Trust

Action Plan and Guidelines

2018-2020

COMMUNITY OPPORTUNITIES GROUP

April 3, 2018

Affordable Housing Trust Action Plan

Background

In 2016, the Town of Medfield adopted its first Housing Production Plan (HPP) which outlines an array of strategies to support the creation of affordable housing that will enable to town to meet its obligations under Chapter 40B and address local housing needs, consistent with community land use goals, infrastructure capacity, and fiscal sustainability.

One of the key strategies identified in the Housing Production Plan was to develop local capacity to plan and advocate for, as well as to develop and manage affordable housing units. To carry out this objective, the Town established the Medfield Affordable Housing Trust (MAHT) at the 2017 Annual Town Meeting.

As stated in the establishing Bylaw, purpose of the Trust is to provide for the creation and preservation of affordable and *community housing* for the benefit of low and moderate income households.¹ The powers of the Trust are to:

- a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;
- b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to creditor otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- e) to employ advisors and agents, such as consultants, accountants, appraisers and lawyers, full time or part-time staff, and to contract for administrative and support goods and services, as the Board deems necessary;

¹ A definition of *Community Housing* is provided in Appendix 1.

- f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- g) to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- j) to carry property for accounting purposes other than acquisition date values;
- k) with Town Meeting approval, to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- l) to make distributions or divisions of principal in kind;
- m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- n) to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- o) to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and p. to extend the time for payment of any obligation to the trust.
- p) to take any other action relative thereto.

The Affordable Housing Trust is overseen by a Board of Trustees, which is also defined in the establishing bylaw. The Board is composed of seven voting members who serve two year terms, including one member of the Board of Selectmen, a member of the Affordable Housing Committee, and five members appointed by the Board of Selectmen. A designee of the Town Administrator serves as an ex officio non-voting member.

Funding

At the same time as the Trust was established, Town Meeting also approved a \$1M general obligation bond to capitalize the Trust. Medfield's Inclusionary Zoning bylaw could also generate revenue for the AHT, as it provides for a "payment-in-lieu" alternative.

Goals

The 2016 Housing Production Plan takes into consideration housing goals articulated in prior public planning efforts including the 1997 Master Plan and the 2004 Community Development Plan in defining a community vision for the development of affordable housing:

Medfield prefers affordable housing that is dispersed in small-scale developments or existing buildings throughout community neighborhoods that serve a mix of incomes and housing types.

The Housing Production Plan also identifies priorities for affordable housing development based upon a Needs Analysis considering population trends and the town’s housing inventory and market:

*The populations identified as having the greatest unmet need for affordable housing include **seniors, small households, and people who work in Medfield**. There is a need for more diverse housing options to enable people to establish and maintain long-term residence in the community, including **more rental housing** for households of varying incomes and sizes, as well as **modest-sized single families and condominiums**.*

Finally, the Housing Production Plan identifies numerical targets for the creation of affordable housing needed to meet the town’s minimum Chapter 40B obligation, which will enable the town to maintain control over land use decisions pertaining to the development of affordable housing. Under Chapter 40B, at least 10 percent of the town’s housing stock (as counted in the previous decennial Census) must be eligible for inclusion on the state’s Subsidized Housing Inventory (SHI), maintained by the Department of Housing and Community Development (DHCD). Until the town is in compliance with this minimum, the town can be compelled to grant a Comprehensive Permit for affordable housing development which overrides local zoning and land use controls. Having an approved Housing Production Plan, the Town can be eligible for Housing Certification which offers temporary “Safe Harbor” from wanted Comprehensive Permit proposals as long as it meets annual targets for affordable housing production, as shown in Table 1.

Medfield voters supported the establishment and capitalization of the MAHT in order to enable the town to retain Safe Harbor under Chapter 40B by facilitating the creation of units that are eligible for the Subsidized Housing Inventory. The Trust aims to support the development of sufficient affordable housing units annually to maintain the protection of Housing Certification until the town reaches the goal of having at least 10 percent of its units on the SHI, and to continue thereafter to support the creation and preservation of affordable and community housing in accordance with local needs and goals.

Total year round homes (Census 2010)	4,220
Units needed for 10% (2010-2020)	422
Existing affordable units	283
Gap to achieve 10%	139
Annual Target	21
Projected after 2020	
Projected units constructed 2010-2019	292
Projected 2020 year round homes	4,512
Units needed for 10% (2020-2030)	451
Gap to achieve 10% (2020-2030)	157
Annual Target (2020-2030)	23
Source: 2016 Housing Production Plan	

Goals Summary

- Facilitate the creation of at least 21-23 SHI-eligible housing units each year.
- Increase the diversity of housing options to serve housing needs of Medfield residents.
- Encourage consistency with goals to preserve community character, environmental quality, and fiscal sustainability.

Priority Actions

The MAHT was established to support Medfield's efforts in implementing its 2016 Housing Production Plan. The Priority Actions for the MAHT are based upon the strategies outlined in the HPP, as well as specific development opportunities that have emerged since the plan was completed. A forum was held on Saturday, January 27, 2018, in which the MAHT Board led a discussion to gather input from other town Boards and Committees and members of the public regarding strategies, budgets, process, and guidelines for affordable housing.

- 1 Facilitate successful applications for Local Initiative Projects (LIP).
 - Identify and work with prospective developers, Town staff, and Boards to navigate the planning and permitting process.
 - Provide guidance, opportunity for public input, negotiation, and endorsement of plans consistent with HPP and MAHT goals.
- 2 Provide professional services to support the planning and administration of affordable housing, such as the preparation of Fair Housing Marketing Plans, administration of housing lotteries, feasibility studies, design, or other planning services to advance specific development projects.
- 3 Provide funding to facilitate the creation or preservation of affordable housing units, for example:
 - Short term financing (grants or loans) for acquisition or predevelopment soft costs
 - Gap financing to match the difference between project costs and funding available from other sources.
 - Funding for rehabilitation of existing properties in exchange for long-term deed restrictions that will enable the units to be counted toward the SHI.
 - Subsidies to deepen the level of affordability for units, so that they can be targeted to households at a lower income level.
 - Purchase and resale of existing affordable units to prevent the loss of affordability restrictions.
- 4 Provide support to overcome cost barriers for homeownership to income-qualified low/moderate and middle-income households.²
 - Establish a shared equity revolving loan program to address the affordability gap for middle income homebuyers, recapturing the initial loan plus a proportional share of the appreciation when a house is sold.
 - Provide down-payment assistance grants (buy-down program) to households earning less than 80 percent of Area Median Income in exchange for permanent deed restrictions so that the units will be added to Medfield's Subsidized Housing Inventory.
- 5 Expand capacity to support affordable housing development.
 - Educate/communicate with public about affordable housing needs.
 - Advocate for, and support zoning changes to create affordable housing, such as 40R and/or Compact Neighborhood zoning.
 - Identify and advocate for more sustained income stream for Affordable Housing Trust.

² Participating households must be selected through a fair housing lottery.

Budget

Medfield’s Affordable Housing Trust was initially capitalized through the approval of a \$1M general obligation bond at the time the Trust was established at Town Meeting in spring, 2017. No additional revenue is expected in the coming years, although there is a possibility of funds being transferred from the Affordable Housing Committee or generated through Inclusionary Zoning.

The MAHT Board will request a bond issue in FY19 to capitalize the Trust based on the expenses that are anticipated through FY21. The availability of funding for projects beyond FY21 will depend upon the amount of funding that remains from the initial fund capitalization, and whether the Trust receives income from loan repayment, property sales, or other revenue streams. Anticipated expenses include the following:

- Professional services for planning, management of fair housing lotteries, monitoring, and other support to advance affordable housing projects and programs are estimated to cost approximately \$220,000 over five years.
- The Medfield Inclusion Project, partnered with Lifeworks, Inc., is currently seeking to build a group home, and anticipates that gap funding of approximately \$150,000 may be required for acquisition/ rehabilitation.
- The Medfield Housing Authority aims to expand rental housing for low income seniors on a parcel that it owns. It is expected that it will require a minimum of three years to permit and assemble funding for the project, which would be seeking to use Low Income Housing Tax Credits (LIHTC). MAHT funding will likely be needed to supplement funding from other sources.
- Additional housing initiatives as identified in the MAHT Action Plan can enable the town to support the conversion of existing housing into SHI-eligible units through acquisition and resale, downpayment assistance, rehabilitation loans, or other local initiatives. It is assumed that the MAHT may provide up to \$300,000 per unit to support the creation of SHI units, a portion of which may be recaptured and utilized to support additional affordable units.

Table 2: Anticipated MAHT Expenditures FY18-FY22

	FY18	FY19	FY20	FY21	FY22	Total
Professional services for planning, monitoring, and application support	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$200,000
Professional services for project development (American Legion)		\$20,000				\$20,000
Gap Funding for Group Home			\$150,000			\$150,000
Funding assistance for Tilden Village	\$25,000				\$500,000 ³	\$525,000
Grants, loans, property acquisition, or other local initiatives			\$600,000			\$600,000
Total Anticipated Expenditure	\$40,000	\$60,000	\$790,000	\$40,000	\$540,000	\$1,495,000

³ Estimated – amount will depend on availability of MAHT funds and funding from other sources.

Anticipated Affordable Housing Initiatives

At the time that Medfield’s Housing Production Plan was approved, Medfield had 283 units on its Subsidized Housing Inventory, 139 units short of what is needed to meet the 10 percent minimum, as determined by the 2010 Census. After 2020 the target number of units will increase, as the decennial count of housing units will reflect growth that occurred during the decade. The shortage of units to meet the projected target is estimated to be 157 units.

Since approving the Housing Production Plan in late 2016, the Town has obtained Housing Certification for one year through the permitting of one Local Initiative Project (LIP) and one traditional 40B development. Two additional LIP projects are anticipated to be approved in spring, 2018 which would enable the Town to request Certification for a second year. The projects that have been permitted reflect the Town’s goal to increase housing diversity and affordability for all types of households, in particular those highlighted in the Housing Production Plan Needs Analysis. The MAHT has identified affordable housing projects that are under discussion and/or are anticipated to be added in the next five years, and continues to work with the developers of these projects to achieve a desirable mix of housing that meets the Town’s goals.

	Tenure	Population Served	Total Units	Affordable Units	SHI Units
Pre HPP			283	283	283
Tilden Village	Rental	Senior/Disabled	60	60	60
Allendale	Ownership	All	17	17	17
Village at Medfield	Ownership	All	6	6	6
Wilkins Glen	Rental	All	103	103	103
DDS Group Homes	Rental	Disabled	5	5	5
Parc at Medfield	Rental	All	92	92	92
Approved since HPP			81	21	45
67 North Street	Rental	All (w/ADA unit)	8	2	8
Chapel Hill Landing	Ownership	All	49	13	13
Anticipated Projects			446+	155+	207+
71 North Street	Rental	All	8	2	8
80 North Meadows Road	Rental	All	16	4	16
Tilden Village Expansion	Rental	Senior/Disabled	45	45	45
41 Dale Street	Mixed	All	36	9	27
383-385 Main Street	Rental	All	6	2	6
Group Home #1	Rental	Disabled	5	5	5
American Legion	TBD	Veterans	TBD		
49 Dale Street	TBD	TBD	TBD		
Group Home #2 (MSH)	Rental	Disabled	5	5	5
Medfield State Hospital Hinkley	Ownership	Senior	16	4	16
Medfield State Hospital Campus	TBD	TBD	309	79	79

Source: 2016 Housing Production Plan, MAHT (as of January, 2018)

Guidelines for LIP/MAHT Initiatives

The Local Initiative Program (LIP) is a state housing initiative administered by the Department of Housing and Community Development (DHCD) to encourage communities to produce affordable housing for low- and moderate-income households. Through the LIP process, the MAHT Board of Trustees will work with proponents to facilitate the development of affordable housing projects by supporting Comprehensive Permit applications for developments that are consistent with the Town's affordable housing goals and preferences.

Section 1: MAHT Project Review

The MAHT Board is available to meet with any developer who is considering or planning a development for which a Comprehensive Permit will be required, to discuss any or all aspects of the proposal which are covered by the guidelines set forth below. In fact, all applicants are urged to initiate such discussion(s) as early in the planning process as possible in order to ensure a clear understanding of both the town's and the developer's interests at the outset of the design of the project. A Board member may be assigned as a liaison to guide and facilitate communication while the project proceeds through the pre-application phase.

At the earliest time that a proposal is raised for discussion with the MAHT Board it may appear on the MAHT Project Tracking List. (Inclusion on the Tracking List is not an indication that the MAHT endorses a project, but only that it is under discussion.) At the outset, projects are considered to be under informal discussion until conferences have been held with Town staff and neighborhood residents to obtain input on the development concept. The MAHT Board may require evidence of prior meetings with neighbors and Town staff before holding a public meeting to formally discuss a project application.

The Board will review the proposal with the applicant, will work with the applicant to refine the proposal, will assist the applicant in presenting the proposal to other boards if so requested, and will submit a written evaluation and recommendation to the Board of Appeals during the Comprehensive Permit process.

Section 2: LIP Project Preferences

The Board of will consider the following criteria in determining whether to support specific development proposals:

- 1. Will the project help to ensure long term affordable housing?**
 - a. The term of affordability should be in perpetuity.
 - b. At least 25 percent of the units in a LIP development must be affordable at 80 percent of AMI (or at least 20 percent if the units are affordable to households at 50 percent of AMI). A higher proportion of units that are affordable by SHI standards is preferable, as is a deeper level of affordability (i.e., 50 percent of AMI, rather than 80 percent of AMI).

- c. The development of housing with differing levels of affordability is encouraged in order to provide for greater income diversity, including households earning lower than 80 percent AMI, and units that are affordable to households earning 100 percent AMI.⁴
- d. The initial and continuing affordability of the subsidized units should be guaranteed through agreements with regard to purchase, rental, and condominium fees, and through resale restrictions. The developer should bear the responsibility to pay for the cost of continued monitoring to ensure that the affordability and marketing requirements are followed for term that was approved.
- e. The quality and type of all construction on the site (buildings, infrastructure and amenities) should be such as will ensure low operating and maintenance costs over the life of the development.

2. Does the project help to meet community needs and goals?

- a. Adaptive reuse, rehabilitation, or preservation of existing structures is preferable to new construction.
- b. MAHT encourages the creation of housing for a range of community needs, including families, seniors, veterans, small households, and people with disabilities.
- c. Reasonable efforts should be made to observe local preference in tenant and buyer selection, to the extent allowed by law. Local preference may be defined to include households in which at least one member currently works or lives in Medfield or attends Medfield Public Schools.
- d. Affordable housing should be located on sites where there is available infrastructure (e.g., sewer lines) to support the proposed density of development, and where residents can access facilities and services with less dependence on auto transportation.
- e. MAHT encourages the development of affordable housing that is compatible with preserving community character environmental resources, historic assets, and sustaining the quality of life.
 - 1) Design: Make reasonable efforts to comply with local regulations to the extent that they do not make projects uneconomic. Orient buildings toward the street wherever possible. Pay attention to design elements found in the neighborhood and make use of them where possible to help developments fit with the neighborhood. Locate off-street parking to the side and rear of buildings to ensure that buildings and landscaping define views from the road.
 - 2) Preserve historically significant buildings and features.
 - 3) Use environmentally responsible design. Minimize impact on natural resources, use native plants, green building construction materials, and energy-efficient design. Incorporate landscaping treatments that blend with surrounding area, retaining mature trees where possible. Minimize impervious surfaces.

⁴ Units affordable to middle income households earning between 80 percent and 100 percent of AMI may meet a community housing need, but will not be counted toward the Town’s Subsidized Housing Inventory.

- 4) Incorporate public benefits such as pedestrian linkages to adjacent public properties, open space and park improvements, or enhanced infrastructure serving the surrounding area.
- 5) Traffic circulation, parking, and pedestrian movement within the site, and vehicular and pedestrian access to the site should be safe and convenient, and should provide for the needs of the handicapped. Reasonable access for school buses and emergency vehicles should be provided.
- f. The quality of construction should be sound and uniform throughout the development, with no apparent distinction either visually or materially between the market-rate and the subsidized units. The subsidized units should be dispersed throughout the development.

3. Is there capacity to complete the project successfully?

- a. Due diligence has been undertaken and the project is demonstrated to be financially feasible.
- b. The developer/proponent has the organizational and financial capacity to carry out the project and to complete the LIP process, with or without professional support provided through MAHT funds.
- c. The funding needed to complete the project does not exceed the availability of funding, including funding support which might be sought from MAHT.
- d. The proponent indicates a plan to ensure quality property management after a project is completed, with a preference for professional management of rental properties, or the establishment of condominium or homeownership associations where appropriate.

Section 2: MAHT Funding Guidelines

The following are minimum thresholds to determine whether projects are eligible for receiving MAHT funds:

1. Applicants may be for-profit or nonprofit affordable housing developers, or public entities such as the Medfield Housing Authority.
2. In accordance with the powers of the Trust, funds may be used to create or preserve affordable and community housing for the benefit of low and moderate income households. For example, funds may be used to:
 - a. Assist in development of affordable housing such as site acquisition, site clearance, site improvements, predevelopment costs, or gap funding;
 - b. Subsidize the purchase price and/or rehabilitation of existing homes in exchange for a long-term deed restriction so that they can be placed on the SHI;
 - c. Acquire and/or rehabilitate affordable units at risk of being lost from the SHI;
 - d. Provide professional services such as the preparation and implementation of Fair Housing Marketing and Lottery Plans and monitoring to ensure that affordable housing continues to be eligible for listing on the SHI.
3. In a mixed-income development, MAHT funds are only to be used only in the amounts necessary to support the affordable units.
4. MAHT seeks to maximize efficiency of its funding to create affordable units. Expenditure of MAHT funds is not expected to exceed \$300,000 per unit; lower cost per unit is preferable, as are projects that utilize other sources of funding.

Procedures

The Town of Medfield Affordable Housing Guide (available as a standalone leaflet) provides an explanation of the LIP process for prospective applicants. A more detailed description of the process is provided in Appendix 2.

Town of Medfield Affordable Housing Guide

Local Initiative Program (LIP) is a state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities. Affordable housing units created through the Local Initiative Project (LIP) program at the Department of Housing and Community Development (DHCD), a state agency.

Developers (non-profit and for-profit) seeking to build single or multi-family homes, condominiums or apartments where a certain percentage of the units are proposed to be affordable are encouraged to work with town officials to obtain approval. The Town of Medfield recommends applicants review the 2016 Housing Production Plan to understand the Town's housing needs and action plan. Prospective applicants must also hold a neighborhood meeting to present concept to abutters before formal application or presentation to the MAHT Board.

DHCD Application: The current LIP application is attached to this guide. DHCD and the Board of Selectmen require the following supplemental information:

1. Documentation of developer's interest in the site (ownership, option purchase, etc.)
2. Description of current site conditions
3. Current site plan
4. Sample floor plans of the proposed units, units identified by size, type and proposed cost
5. A financial pro forma of the project
6. An appraisal of the site

LIP staff reviews the application, conducts a site visit and evaluates the application. If the project as proposed is approved, DHCD will issue a site eligibility letter so that the developer may apply to the local Zoning Board of Appeals for a Comprehensive Permit. All units must be certified by DHCD prior to the issuance of a Certificate of Occupancy for any unit within a project containing affordable housing units.

DHCD expects to process routine applications within sixty (60) days. DHCD encourages applicants and communities to discuss their projects with LIP staff prior to submitting an application.

Contact information for DHCD staff: Rieko Hayashi / (t) 617-573-1426 / (e) rieko.hayashi@state.ma.us

Key Components of DHCD's Review:

- Site plan, elevations, and floor plans to ensure that design standards with respect to unit size, composition, and locations are met
- The project carries a long term use restriction (see DHCD's website for Regulatory Agreement templates – there are different agreements for Ownership, Rental, & HOME developments)
- Affirmative Fair Marketing and Lottery Plan (see DHCD's website for plan template)

The applicant may need to obtain technical assistance for the development of Regulatory Agreements and Affirmative Fair Marketing and Lottery Plans. If you might need assistance, please alert the Medfield Town Planner.

Key Design Standards: Units shall contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, a refrigerator, microwave, and access to laundry facilities. All units must meet sanitary and building codes. DHCD encourages unit designs with master bedrooms and bathrooms on the first floor in age restricted housing. The mix of units offered as affordable housing must be proportionate to the overall development. If 10% of units in a project are 3 BR, 10% of affordable units must be 3 BR. DHCD does not like to accept units that are significantly smaller, are located further from amenities like parking or open space, or units that are segregated to one area of a project.

Unit Type	Minimum Requirements*
1 Bedroom	700 s.f./ 1 bath
2 Bedroom	900 s.f./ 1 bath
3 Bedroom	1,100 s.f./ 1& 1/2 baths
4 Bedroom	1,400 s.f./ 2 baths
<i>*All bedrooms must be at least 100 s.f.</i>	

Local Process – Approx. 3-6 months

- Pre-application conference with Town Staff (Administration, Town Planner, Building Commissioner, Fire Chief, Conservation Agent, etc.)
- Neighborhood meeting (s)

Submit applications for comprehensive permit. Local permitting may take up to 180 days depending on the project.

Apply for building permit once other permits and approvals are received.

Plan Review. 30 Days maximum.
Tax status, Fire Chief, ConCom, Board of Health, Zoning Review, & Building Code Review
Building permit issued after successful review.

Construction begins. Periodic inspections are required.

Hold public information session for lease or sale of affordable units. Collect applications. Conduct lottery at least 60 days after the information session. Winners must complete application process.

Construction is completed. All inspections are passed. Assessor notified. Certificate of Occupancy is issued. Add new units form is submitted to DHCD

DHCD Process – Approx. 60 days

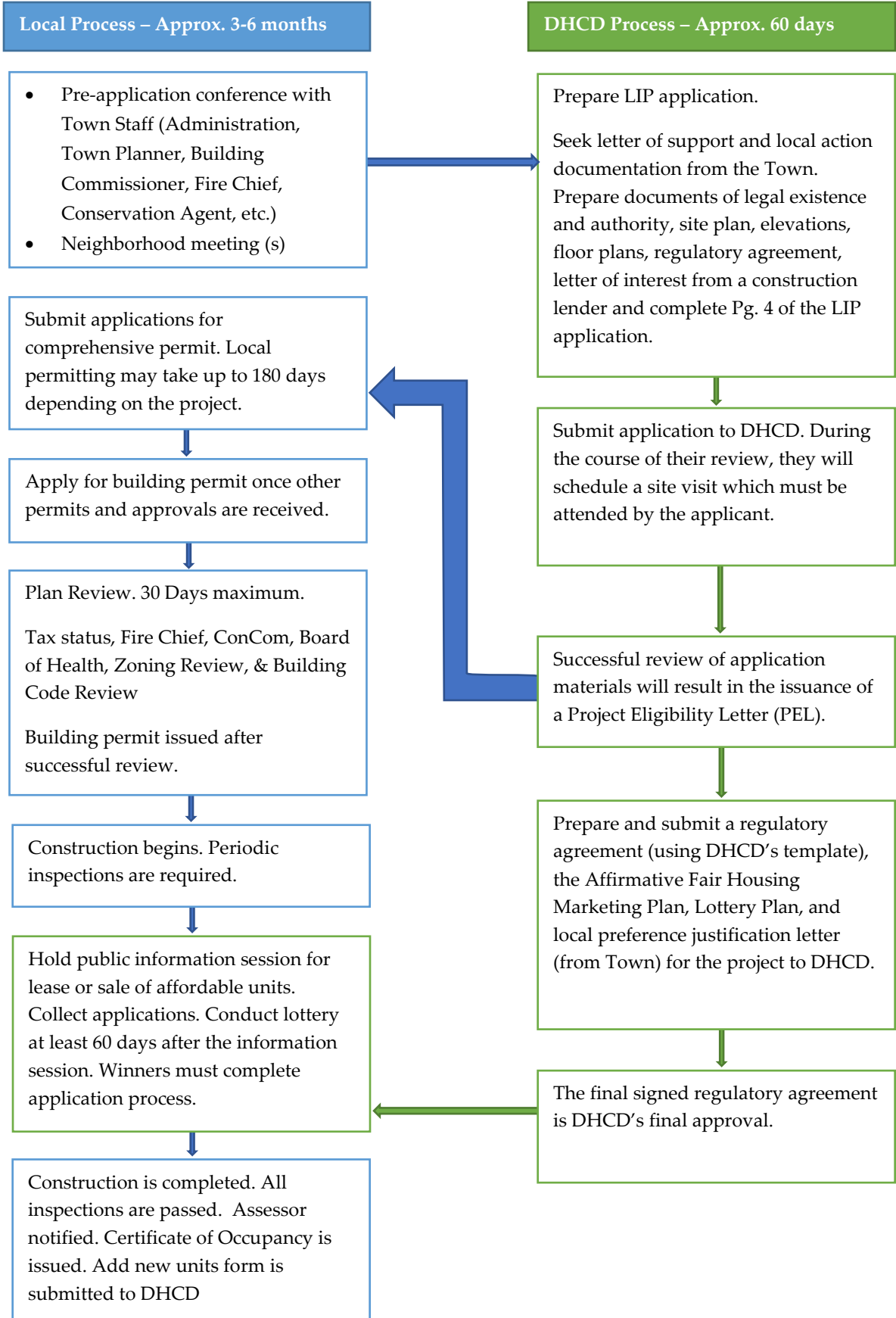
Prepare LIP application.
Seek letter of support and local action documentation from the Town. Prepare documents of legal existence and authority, site plan, elevations, floor plans, regulatory agreement, letter of interest from a construction lender and complete Pg. 4 of the LIP application.

Submit application to DHCD. During the course of their review, they will schedule a site visit which must be attended by the applicant.

Successful review of application materials will result in the issuance of a Project Eligibility Letter (PEL).

Prepare and submit a regulatory agreement (using DHCD’s template), the Affirmative Fair Housing Marketing Plan, Lottery Plan, and local preference justification letter (from Town) for the project to DHCD.

The final signed regulatory agreement is DHCD’s final approval.



Appendix 1: Community Housing

“Community Housing” is not formally defined in state legislation, however many communities have established programs that address affordable housing needs for middle income households earning above 80 percent of Area Median Income (AMI). Due to high housing costs, programs that address housing affordability for middle income households may meet community housing needs, even though housing units targeted to this income level do not qualify to be included on the SHI. *Community Housing* may also refer to loan programs or professional support which helps low and moderate income households to access affordable housing resources without creating SHI units.

If MAHT is going to support Community Housing – particularly if the Town is committing funding or other public resources to programs that address housing affordability for middle income households (those earning above 80 percent of AMI), it is recommended that the MAHT adopt income guidelines that are consistent with existing state and federal programs. For example, the Community Preservation Act applies a maximum income eligibility threshold of 100 percent AMI, while the Massachusetts Affordable Housing Trust Fund supports initiatives for households earning up to 110% of median income. Following are the 2017 income limits for the Massachusetts Housing Partnership’s One Mortgage Program, which bundles primary mortgages and soft second mortgage loans for first time homebuyers earning up to 80 percent or up to 100 percent of Area Median Income in some communities:

NORFOLK COUNTY

Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth, Wrentham

Household Size	80% Income*	100% Income
1	\$57,950	\$72,380
2	\$66,200	\$82,720
3	\$74,450	\$93,060
4	\$82,750	\$103,400
5	\$89,350	\$111,672
6	\$96,000	\$119,944
7	\$102,600	\$128,216
8	\$109,200	\$136,488

Appendix 2: 40B/LIP PROCESS

A. PRE-APPLICATION PHASE

When planning to apply for a comprehensive permit, an applicant should meet with Town staff and some of the Town boards at the earliest possible point in the planning process. For LIP projects, early contact with the MAHT is also strongly recommended. These discussions should occur **before filing a Project Eligibility application** with MassHousing or another subsidizing agency. Many problems that occur during the permitting process can be reduced or avoided altogether if applicants take the time to consult with local officials and accommodate reasonable requests while a project is still at the conceptual stage. Furthermore, early consultation can help make local review of Project Eligibility applications much smoother.

Key Steps

- **Meet with the Town Planner** to discuss plans for the site. Ask about the site's history, the neighborhood, other recent developments and developments in the pipeline nearby, and issues that might cause concern for Town boards.
- **Initiate contact with MAHT** by meeting with the Board or a liaison Board member to share information and to discuss whether the project will seek MAHT endorsement and/or financial or professional support. Once contact with the MAHT has been made, the proposed project will be added to the MAHT Potential Project Tracking and SHI Projections Tracking Sheet, which is posted on the Town website.
- **Neighborhood Meeting** with abutters and other concerned parties on-site to gain initial feedback. The Town cannot require applicants to discuss the project with neighbors, but it is to the developers' advantage to do so as soon as possible during the pre-application period. The MAHT may require evidence of neighborhood input before holding a public meeting to formally review a proposed project. Notice to abutters should be given before any meeting held by a prospective developer. The Town will also set abutter's notices of MAHT or Board of Selectmen meetings where proposed projects will be discussed.
- **Meet with the Town's Development Review Team (DRT)**, and be open to input and guidance from Town staff. They have technical information that the applicant will need in order to plan the site and prepare for the meetings with Town boards. In addition to the Town Planner, the DRT includes the Town Administrator and/or Assistant Town Administrator, Building Commissioner, Conservation Agent, Health Department, Police Chief, Fire Chief, and the Director of Public Works. A meeting with the DRT is an efficient way to obtain feedback about many aspects of the project without having to attend individual appointments with department heads.
- **Have a preliminary meeting with the Planning Board.** The degree to which proposed buildings fit with surrounding development will weigh heavily in how a comprehensive permit application is received in Medfield. The Planning Board can help applicants explore possibilities for building design, landscaping treatments, exterior lighting, and so forth, depending on the site and the types of housing you intend to construct.

- **Have a preliminary meeting with the Conservation Commission** if the project will require approval under the state Wetlands Protection Act, G.L. c. 131, s. 40 and/or any waivers under the Medfield Wetlands Bylaw. Chapter 40B developments that affect wetland resource areas usually require an Order of Conditions under G.L. c. 131, s. 40, but the local wetlands bylaw, like other local regulations, falls under the purview of the ZBA. It is in your interests to comply with the local wetlands bylaw because doing so may reduce the number of waivers you need in order to construct your project. You should not assume the ZBA will grant local wetlands bylaw waivers simply because you ask for them.
- **Meet with the Medfield Historical Commission** if your project involves substantial alterations to or demolition of a historically significant building. (See Section III, Historic Preservation)
- Meetings with the MAHT, Planning Board, the Conservation Commission, and other Town boards and committees are subject to the Open Meeting Law.

Pre-application consultations will not lead to any binding decisions. The purpose of the meetings is to give the applicant a chance to present the proposal for the property and to obtain information from the Town, and to give the Town a chance to learn about the proposed plans. If the ZBA is represented at any of these meetings, the ZBA member who participates will speak only as an individual, not in an official capacity as a ZBA member.

B. ELIGIBILITY TO APPLY FOR A COMPREHENSIVE PERMIT

The following prerequisites must be met by anyone applying for a Chapter 40B comprehensive permit:

- The applicant must have site control, such as a deed, purchase and sale agreement, or option to purchase;
- The applicant must be a public agency, non-profit organization, or limited dividend organization; and
- A housing subsidy program must have determined that the proposed project is fundable. This third requirement means that developers have to obtain a pre-application eligibility letter from an agency that subsidizes low- or moderate-income housing. Doing so requires filing an application to a housing subsidy program. In most cases, MassHousing will be the housing subsidy agency that issues a **Project Eligibility** determination, but DHCD, the Massachusetts Housing Partnership (**MHP**), and MassDevelopment also subsidize low- or moderate-income housing and issue project eligibility letters. Furthermore, developers wishing to build under a Local Initiative Program (**LIP**) comprehensive permit must obtain a project eligibility determination from DHCD - with approval of the Medfield Board of Selectmen.

Once an applicant submits a Project Eligibility application to MassHousing, the Board of Selectmen will be notified. MassHousing will request local comments within 30 days. In Medfield, the Board of Selectmen seeks comments from Town departments and other Town boards, and compiles all comments received into a single submission to MassHousing. Depending on the project (mainly the project's size, location, and density), the Board of Selectmen may convene a meeting with representatives of other Town departments and committees in order to facilitate a conversation about the proposed development. Applicants will be afforded an opportunity to be heard, and may be invited to make a presentation and respond to questions.

C. APPLICATION, REVIEW, AND DECISION PROCEDURES

This section of the Guidelines summarizes the key features of Medfield's comprehensive permit process. In accordance with Chapter 40B, however, the ZBA has adopted **Comprehensive Permit Rules**. An applicant should review the ZBA's Rules (Appendix A). If there is a conflict between these Guidelines and the ZBA's Rules, the latter will control. An application will not be deemed received until all the information required by the ZBA Rules is provided and the required fee is paid.

What does "7/14/30/15/15/30/180/40/20" mean?

- Within **7 days** of the receipt of the comprehensive permit application, the ZBA must distribute copies of the application to all Town departments, boards, and committees with a role in the review process. In Medfield, this means the Planning Board, Conservation Commission, Board of Health, Public Works Department, and Board of Selectmen. (This is why pre-application meetings may be helpful both to the applicant and the participating Town officials.)
- Within **14 days** of receipt of the comprehensive permit application, the public hearing must be advertised, with proper legal notice and proper notice to abutters. (Applicants will be responsible for the cost of publishing the legal notice and mailing the notice to abutters.)
- Within **30 days** of receipt of a complete comprehensive application, the ZBA must open the public hearing unless the applicant grants permission in writing to hold the hearing at a later date.
- Within **15 days** of opening the public hearing, the ZBA must determine whether it wants to deny an application on one or more of the grounds identified in DHCD's Chapter 40B regulations at 760 CMR 56.03(1), following procedures under 760 CMR 56.03(8). The ZBA must provide written notice to the applicant and to DHCD.
- Within **15 days** of receiving the ZBA's notice, the applicant must file a written response with DHCD if she/he wants to challenge the ZBA's assertion that it can deny the application. The applicant must provide a copy of that response to the ZBA.
- Within **30 days** of receiving the applicant's appeal, DHCD must issue a decision. DHCD's failure to issue a timely decision will result in a determination in favor of the ZBA.
- Unless the applicant provides written consent, the ZBA cannot extend the public hearing beyond **180 days** of the initial hearing date. The 180 day limit assumes that the applicant will make timely submissions of materials reasonably requested by the ZBA.
- The ZBA must render a decision - a denial, approval, or approval with conditions - within **40 days** of the closing of the public hearing, unless the applicant agrees in writing to an extension.
- If the ZBA denies the permit or approves the permit with unacceptable conditions or requirements, the applicant has the right to appeal to the Housing Appeals Committee within **20 days** after the written decision has been filed with the Town Clerk. Similarly, any person aggrieved by the ZBA's issuance of a comprehensive permit may appeal in court within **20 days** of the date that the decision is filed with the Town Clerk.

Managing the Process

- The ZBA requires enough information to understand the physical characteristics of the site, the health, safety, and welfare impacts of the project, and the impact on the neighborhood. The ZBA's minimum application requirements are designed to provide this information at the outset. A **complete comprehensive permit application** will help to minimize delays in the permitting process.
- The ZBA strongly encourages that applicants meet with the neighbors in advance of the first public hearing to explain the proposed project and receive input that will make the project more acceptable to the neighbors.
- In addition to considering the contents of an application, the ZBA may conduct a **site visit** in order to understand the site and neighborhood conditions, the proposed site plan and building design, and the location of abutters who will be most affected by the proposed development.
- Depending on the issues involved with the site or the proposed development plan, the ZBA may hire qualified **peer review consultants** to assist with the review process. The applicant will be responsible for paying the reasonable cost of these services. Medfield has adopted the provisions of G.L. c. 44, s. 53G, so the applicant will be asked to deposit funds in an escrow account that the ZBA can use to pay the peer review consultants.
- The ZBA may ask the applicant to participate in **work sessions** in order to examine specific issues in a setting less formal than that of a public hearing. Work sessions are advisory; they do not constitute an extension of the public hearing. The sessions would be announced at the public hearing and posted as public meetings under the Open Meeting Law so that interested people can attend and observe. No substantive decisions can be made at work sessions, however. At the next public hearing, one of the attendees will provide the full ZBA with a report about matters discussed at the work sessions. The ZBA has the discretion to hire a third party mediator to facilitate these meetings, to be paid for by the Applicant or through the use of a consultant with experience in Chapter 40B at no cost, through the Massachusetts Housing Partnership program.
- In its discretion, the ZBA may defer to the Town Manager to assemble a **mitigation team** or committee to negotiate with you for mitigation to address the impacts of your project on traffic, infrastructure, public facilities, or public services. At the conclusion of its work, the mitigation team will make recommendations to the ZBA for conditions to be incorporated in the comprehensive permit decision.
- If the applicant and the ZBA cannot reach agreement about project changes the ZBA has requested, the applicant will be asked to prove that the requested changes will make the project uneconomic. This means the applicant will need to submit a **development pro forma** for the ZBA's review, and the ZBA may decide to hire a peer review consultant to examine the pro forma and its assumptions.

The ZBA's Decision

- The ZBA will close the public hearing when all relevant information has been received and all parties have had opportunity to present their issues. After closing the hearing, the ZBA will deliberate and reach a decision.

- The ZBA has three members and three associate members. One or more of the associate members may participate in the public hearing. The affirmative vote of two persons of a three person panel is required to render a decision. The panel to render a decision will normally be the three members of the ZBA. If any regular member has not attended all sessions of the public hearing or is otherwise unavailable, the Chairman will designate an associate member to serve on the panel to render a decision.
- The ZBA will review the waivers the applicant has requested in the application. The ZBA will normally grant waivers that will allow an affordable housing development to go forward, assuming the project's impacts can be mitigated in a manner that protects the Town and surrounding neighborhood. However, applicants should not assume that all of the requested waivers will be granted. The applicant has the burden to demonstrate that the waivers are essential for constructing the project.