



# TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

NAN BALMER  
TOWN ADMINISTRATOR  
TEL. (508) 358-7755  
www.wayland.ma.us

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March 21, 2017

Katherine Lacy  
40B Specialist  
MassHousing  
One Beacon Street  
Boston MA 02108

Re: 24 School Street, Wayland, MA

Dear Ms. Lacy:

Thank you for the opportunity to comment on the application for Chapter 40B Project Eligibility submitted to MassHousing by Windsor Place Development LLC, in connection with a proposed housing development on 24 School Street, in Wayland, Massachusetts (the "Project" and the "Project Site"). The Board of Selectmen would like to share with you the Town's substantial efforts, especially within the last few years, to expand affordable housing opportunities in Wayland including through the Chapter 40B permitting process, comment on the specific aspects of the proposed Project and the Project Site, and flag what we feel are material discrepancies, and in some cases misrepresentations, in the application.

While the Town of Wayland has consistently supported the creation of more affordable housing, we must object to this project as proposed, as it is dangerously out of scale for this parcel and for the surrounding neighborhood. This is the most intensive 40B application that the Town has ever received based on the number of units per acre. The issues identified below are most directly influenced by the proposed intensity of use: public safety access, numerous environmental impacts including threatened groundwater and surface water quality, septic issues, encroachment on vegetated wetlands, potential flooding, increased traffic and lack of available offsite parking. Other issues such as inaccuracies in the application, the compactness of the site, lack of landscaping, and massing of the buildings along School Street further the Town's concern. Attached as Exhibit A is a map showing the surrounding residential neighborhoods and the adjacent intersection.

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The Craftsmen Village project (#5 below) represents a good 40B project with eight units on 3.6 acres, giving a scale, massing and aesthetic more in keeping with the surrounding

neighborhood. The proposed Windsor Place development would be best addressed by significantly reducing the number of units within the Project. A reduction would better accommodate parking, a septic leaching field, useable open space, drainage, and better access for public safety personnel. The combination of the reductions would allow a building redesign that would reduce the massing of the building while improving curb appeal, allow for increased screening of the structure, a greater amount of open space, and reduced environmental and neighborhood impacts.

## **I. Municipal Action to Facilitate Affordable Housing Development**

On September 20, 2016, the Department of Housing and Community Development approved the Town of Wayland's Affordable Housing Plan (Housing Production Plan). Under the Town's 2005 Comprehensive Plan, the Town identified a policy and process for encouraging affordable housing development. Since the submittal of the 2005 Plan to the Department of Housing and Community Development (DHCD), the following affordable housing developments were completed are under development.

### **1. Wayland Gardens**

Three (3) homeownership units were built through the comprehensive permit process at 236 Commonwealth Road for first-time homebuyers. The two-bedroom units have 2,100 square feet of living space and sold for \$166,000. The lottery was held in July 2009, and the project is completely occupied.

### **2. Commonwealth Residences**

The Commonwealth Residences development, also a comprehensive permit project, includes 52 units, a mixture of one-bedroom and two-bedroom apartments on an 18.1-acre parcel and will include 14 affordable units. The development was recently completed and is currently in the "lease-up" phase.

### **3. 89 Oxbow**

The residences at 89 Oxbow involved the redevelopment of the former Nike Missile site, which the Town of Wayland was able to acquire from the federal government. After considerable planning, the Town issued a Request for Proposals and selected a private developer to undertake the project. Through the "friendly" 40B process offered by the state's Local Initiative Program (LIP), 16 new units were created for first-time homebuyers, eleven (11) for those earning at or below 80% of area median income and sold for between \$161,834 and \$178,133, and five (5) for those earning between 80% and 100% of the area median income priced between \$216,759 and \$239,213. The project incorporated both smart and green design innovations including solar panels and Energy Star Plus features.

### **4. Wayland Commons**

This 44-unit project is located on Route 27, just north of the Town Center. The Zoning Board issued a comprehensive permit and eleven of the homes are affordable and have been included in the Subsidized Housing Inventory (SHI).

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5. Craftsman Village (formerly Tripolis)

This development off of Old Connecticut Path includes eight (8) condo units, two (2) of which will be affordable and eligible for the SHI. The Zoning Board issued a comprehensive permit and the project received final MassHousing approval in July 2014 and is nearly complete.

6. Wayland Forest

At 137 Boston Post Road across from Lee's Farmstand, this development was approved for 16 total condominium units, four (4) of which are affordable. The Zoning Board issued a comprehensive permit, the project has been completed and the affordable units have been added to the SHI.

7. Sage Hill

One (1) affordable unit has been built off of Concord Road as part of the Sage Hill development pursuant to the Town's inclusionary housing zoning bylaw and the Planning Board's special permit.

8. River's Edge

At the 2014 Annual Town Meeting, the Town approved a zoning overlay district on eight acres of town-owned land at 489-490 Boston Post Road, to facilitate the development of **188 units** of affordable and market-rate rental housing units. This density equates to 24 units per acre. Town boards, officials and staff have spent hundreds of hours, many of it by volunteers, on pre-development and due diligence activities on this site over the last four years. This project, adjacent to the Sudbury River and the Great Meadows federal wildlife preserve, will provide 47 permanently-restricted affordable housing units. Under Chapter 40B rules, all 188 units will count towards the Town's Subsidized Housing Inventory, pushing the Town to **9.32%**. Following a lengthy Request for Proposals vetting and selection process, the Board of Selectmen voted in February, 2017 to award the River's Edge project to WP East Acquisitions, LLC (Wood Partners) . Wood Partners has a 90 day due diligence period, and must apply for and receive site plan approval from the Planning Board prior to obtaining a building permit.

Other Initiatives - Funding for Affordable Housing Development

The Town of Wayland has an Article before the April 2017 Town Meeting to transfer Community Preservation Act funds to the Wayland Municipal Affordable Housing Trust Fund (WMAHTF). The WMAHTF was created by the 2014 Annual Town Meeting to provide for the creation and preservation of affordable housing in Wayland. By transferring the CPA Community Housing Fund to the WMAHTF, the Town has greater flexibility for addressing affordable housing issues as the WMAHTF is not required to bring each proposed transaction to Town Meeting, only when creating more than two units of affordable housing. The WMAHTF is currently working to bring two additional affordable units to Wayland.

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Another Article before this year's Annual Town Meeting calls for the transfer of \$20,000 in CPA funds for the funding a housing consultant to assist Wayland's boards and officials to make informed decisions on affordable housing. Having a professional with expertise in housing laws, regulations, and guidelines, who can oversee and coordinate local affordable housing efforts, will fill a gap in the Town's ability to protect and produce affordable housing. The Scope of Work for a Housing Consultant would be developed by the Board of Selectmen with input from the Housing Partnership and the Housing Trust and would likely report to the Town Administrator.

## **II. The Project**

The Applicant submitted a Project Eligibility application by hand to the Board of Selectmen's office for a 12 unit residential rental development on February 15, 2017. A site visit was conducted by Mass Housing on March 6, 2017. A copy of the sign-in sheet is enclosed. The Planning Board and the Wayland Housing Partnership held an informational meeting on Tuesday March 7, 2017 attended by over one hundred residents. The comments from residents and department heads are posted on the Planning Department website and are considered part of the record (see: <http://www.wayland.ma.us/Pages/WaylandMA Planning/apps>).

The subject property is located at 24 School Street and consists of approximately .65 acres of land bordering a stream on the adjacent property to the west (owned by the Town of Wayland). The site is zoned single family R-20, with a 20,000 square feet minimum lot size, and a maximum 20% lot coverage. The Applicant proposes the construction of two, six-unit buildings, totaling 12 units of which 3 will be affordable. The applicant proposes a single access driveway from School Street with an emergency gated access drive to East Plain Street (Route 30).

Proposed setbacks to adjoining residential properties range from 10' - 20'. One of the proposed buildings and portions of the parking lot will be located within 75' of off-site bordering vegetated wetlands and a tributary to Snake Brook. A wastewater collection system will convey flows to a shared wastewater septic system located under the parking lot. A stormwater infiltration system is also being proposed under the driveway between the two buildings.

## **III. Project-Specific Comments**

Municipal staff and town officials have reviewed the application/plans and raised a number of public health, safety and environmental concerns about the proposed development.

### **A. Traffic and Circulation**

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The Applicant's selection of the property at 24 School Street for this 12-unit project is troubling. The Project Site is located at the convergence of three busy streets - Commonwealth Road (Route 30), East Plain Street, and School Street. This intersection experiences long queuing during peak commuting hours, and has been the scene of many traffic accidents, including fatalities, over the years. The Town has conducted traffic studies and recently designed and constructed a major intersection reconfiguration in 2016, at a cost of \$273,000. Attached as Exhibit B is a presentation from the Town's traffic engineering consultants, TEC, Inc., describing the problem and proposing three remedies - "Option 1" was eventually selected and constructed.

The reconfiguration of traffic flow at this intersection did not account for a driveway on School Street to serve 12 housing units, and its attendant 120 vehicle trips per day (approx.). If the Project is permitted, this intersection will be impacted by increased congestion. A traffic light or right turn only restriction for traffic leaving the driveway may be warranted. Exhibit C is a photograph showing weekday morning traffic in front of the proposed development site.

The Fire Department has objected to the proposed emergency access gate at the East Plain Street entrance. The Fire Department stated that it does not allow emergency gates on Fire Lanes due to operational concerns and accessibility delays during an emergency. The Police Chief and Fire Chief submitted comments on this Application which are attached hereto.

The Police Chief noted in his comments that on-street parking on East Plain Street and School Street in this location would not be appropriate or feasible, and therefore the Project should provide ample parking for residents and visitors. There is no offsite parking available near the project.

#### B. Environmental Impacts

The Town's Conservation Commission has commented that that the Project would threaten groundwater and surface water quality from runoff and septic system leachate. It noted that there is relatively high water table on the Site, leaving little room to accommodate two infiltration systems (stormwater and septic) - state regulations mandate that a minimum depth of separation be provided between seasonal high groundwater and the bottom of those infiltration systems. The Project would encroach within the 100-foot buffer zone to Bordering Vegetated Wetlands abutting the Project Site. A stream located within this wetland is tributary to Snake Brook, and may be a *perennial* stream subject to protection under the state Rivers Act, which provides a 200-foot protective buffer. The Commission is disputing the Applicant's claim that the stream is merely "intermittent." This distinction is critical and should be addressed by the Applicant during this pre-permitting phase.

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The Applicant should also address potential flooding that the development may cause due to an increase in impervious surfaces and the possible undersized culvert at East Plain Street.

Wayland's Director of Public Health stressed the importance of adhering to the Board of Health's local septic system regulation requiring leaching areas to be designed to accommodate 165 gallons per day, per bedroom, which is stricter than state Title 5 regulations that apply a 110 gpd/bedroom design standard. The Health Director opined that "an appropriately sized leaching area will be critical to ensure the septic system does not fail prematurely," and that "this preliminary project appears to be too large for this size lot and the number of bedrooms proposed in the plan should be scaled back to suit the environmental sensitivity of the area and the poor soil conditions."

We further note that the entire septic system leaching area is located under the proposed parking lot, inhibiting maintenance and replacement. Title 5 regulations prohibit the placement of soil absorption systems under impervious parking lots for this reason, "except where restrictions on the use of the land make it unavoidable." 310 CMR 15.240(7). The Applicant's proposal to "max-out" the development of this Site is not a "restriction on the use of the land." Public sewer is not available at this location, and therefore is not an option (as discussed below, the Town has approved affordable housing developments that have or will create dozens of new affordable housing units within the Town's limited sewer service area in its town center on Route 20).

C. Application Discrepancies / Inaccurate Information

1. *The Project Site is Listed in the State's Database of Historic Properties.*

In the "Site Characteristics and Development Constraints" (page 24 of the Mass Housing application), the Applicant falsely answered "no" to two separate questions about the property's historical designations. Both the house and the barn are listed in the state's database or historic places, MACRIS: <http://mhc-macris.net/Results.aspx>. The Wayland Historic Commission raised concerns that the area represents the last farming area of Cochituate Village. In addition to the historic farm property, the existing barn on the property dates back to 1880. According to the Mass. Historic Commission's record card for this property, the barn is the last remaining barn in this historic "Lokerville" village of Wayland. A copy of the MHC Record Card is attached as Exhibit D.

2. *The Size of the Project Site stated on the Application is Inconsistent with Assessment Records.*

On page 6 of the Mass Housing application, the Applicant states that the Project Site contains 37,865 square feet of land, but according to the Town Assessor, the size of the parcel is .65 acres, or 28,314 square feet. See, Tax Map, submitted at page 9 of the PE

Application. The actual size should be confirmed during this pre-permitting stage of development.

3. *The Project Site is not "Transit Oriented."*

The Applicant represented in the Application that the Project Site is served by public transportation. This is an exaggeration, as the Applicant admits that the transportation is the MetroWest Regional Transit Authority buses, and that the closest bus stop is .6 miles away, down Route 30.

4. *Site Development Constraints*

The Applicant states that there are no vernal pools on the Project Site, which is correct, but there are two certified vernal pools on the abutting conservation parcel owned by the Town, on which the current owner has encroached (illegally). As witnessed during the site visit, the current owner has expanded its yard onto the Town's land, including the construction of a decorative stone wall.

5. *Useable Open Space is Deficient*

The Applicant states that 46.3% of the Project Site will contain "useable open space," which we take to mean areas where residents can enjoy passive recreation or quiet contemplation. In looking at the site plan, it is hard to conceive where any "useable open space" would be located, much less on 46% of the Site. The grass buffer areas between East Plain Street and the buildings should not qualify, and the 10' - 15' wide grass strip between the building and School Street is hardly "useable" for anyone, and certainly not safe for children. We think that this representation of seemingly ample open space is deceptive.

6. *Site Control*

There appears to be typographical error on page 54 of the Application, stating that the purchase and sale agreement is dated October 5, 2017 - we assume the correct date is October 5, 2016. The Applicant states that its deadline to perform under the P&S Agreement was March 17, 2017, which date has passed. MassHousing should request evidence that this date has been further extended, otherwise the Applicant does not have the requisite site control under 760 CMR 56.04(1)(c).

7. *Sustainable Development Scorecard*

In the sustainable development scorecard section of the application (pages 164-168) we question some of the responses provided by the Applicant:

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- o Item #3 - Protect Land and Ecosystems: The developer checked "Responds

to state or federal mandate”, “Eliminates or reduces neighborhood blight” and “Addresses public health and safety risk” as reasons why this development should be approved. We do not agree that the Project Site is a “neighborhood blight” and believe that the proposed development will actually increase public safety risks given its location at a difficult intersection. Further, the Applicant is far from demonstrating that the Project will have no impact on groundwater and surface water resources based on the concerns raised above from the Board of Health and the Conservation Commission.

- o Item #6 – Provide Transportation Choice: The developer checked “walkable to public transportation,” and “increased bike and pedestrian access”. As discussed above, the Project Site is more than a half-mile from a regional transit authority bus stop, and it is unclear what is meant by increasing bike and pedestrian access – the Project will not *increase* pedestrian and bicycle opportunities in the neighborhood. The application also does not provide any of the required explanations to support the responses.

In conclusion, the Town of Wayland is committed to reaching its 10% affordable housing goal and supports affordable housing and even 40B development on this property. However, any project by either the Town or a private developer should respect the environmental sensitivities and historical significance of the property and its immediate surroundings, should have less impact on traffic congestion and public safety, provide meaningful open space for the future residents to enjoy, and create a development that is more compatible with the densities and architectural styles of the existing residential neighborhood.

Thank you for the opportunity to comment on this Application. Please do not hesitate to contact the Town Administrator, Nan Balmer, in the Selectmen’s Office with any questions related to this correspondence.

Sincerely,



Cherry Karlson, Chair  
Board of Selectmen

Enc.

cc: M. Antes, Chair, Wayland Affordable Housing Trust  
D. Hill, Chair, Wayland Planning Board  
R. Bratt, Chair Wayland Housing Partnership

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