



Regional Housing Services Office

Serving Acton, Bedford, Burlington, Concord, Lexington, Sudbury, Wayland, and Weston

7.) TA's Report
3.) Safe Harbor Opportunity

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To: Beth Doucette, Sarkis Sarkisian
From: Liz Rust, RHSO
CC: Liz Valenta, RHSO
RE: Wayland Safe Harbor opportunity

Beth and Sarkis,

I'm writing to follow up on our discussion about Wayland's opportunity for a one-year (possibly two-year) safe harbor through certifying its Housing Production Plan (HPP) with the permit issuance of the Cascade development.

If a community has a certified compliant HPP, decisions made by the Board to deny a comprehensive permit will be deemed Consistent with Local Needs under the Act by the HAC, and the Board's denial of a comprehensive permit application will be upheld as a matter of law.

Wayland has an approved Housing Production Plan (HPP). DHCD approved the plan on 9/20/2016, and it expires after 5 years (9/19/2021). The regulations regarding the housing production plans, and safe harbor are promulgated in 760 CMR 56, and state that a community will be certified in compliance with an approved HPP if, during a single calendar year, it has increased its number of low- and moderate-income year round housing units by 0.5% for one-year (25 units for Wayland) or 1.0% for two year (50 units for Wayland).

The Comprehensive Permit for the Cascade development was issued and then filed with the Town Clerk on January 15, 2019. The permit provided the approval for 60-units, with conditions. There are (at least) two consideration that may cause the development to be stalled: one- The Board did not approve a waiver of the height requirement which is needed for the plans to be built, and two – there is thought that the abutters may appeal.

However, at this point in time, the 60 units are eligible to be counted on the SHI, though may lapse in the future is the situation changes. These units are eligible as of January 15, 2019, and will lapse on January 15, 2020 if no building permit has been issued.

Units created under a Comprehensive Permit are eligible for the SHI on the date when

- (a) the permit or approval is filed with the municipal clerk, notwithstanding any appeal by a party other than the Board,
- (b) on the date when the last appeal by the Board is fully resolved.

Once the units are eligible for the SHI, certification for the HPP can be requested. Requests for certification must be accompanied by a letter signed by the Chief Executive Officer and contain any required documentation to demonstrate that the required number of housing units has been produced during a calendar year.