

7. HOUSING PRODUCTION GOALS

The Massachusetts Department of Housing and Community Development (DHCD) introduced the Planned Production Program in December 2002, in accordance with regulations that were meant to provide municipalities with greater local control over housing development. Under the Program, cities and towns were required to prepare and adopt a Housing Plan that demonstrated the production of an increase of .75% over one year or 1.5% over two-years of its year-round housing stock eligible for inclusion in the Subsidized Housing Inventory.²⁸ If DHCD certified that the locality had complied with its annual goals or that it had met two-year goals, the Town could, through its Zoning Board of Appeals, potentially deny what it considered inappropriate comprehensive permit applications for one or two-years, respectively.²⁹

In 2008, changes to Chapter 40B regulations and guidelines established some new rules that superseded previous requirements.³⁰ For example, Planned Production Plans are now referred to as Housing Production Plans. Moreover, annual goals changed from 0.75% of the community's year-round housing stock to 0.50%, meaning that Weston will now have to produce at least 20 affordable units annually to meet annual production goals, still a formidable challenge. If the Town produces 40 affordable units in any calendar year, it will have a two-year period during which it will likely be able deny inappropriate 40B applications that do not meet local needs, without the developer's very limited ability to appeal the decision.

Using the priority needs established in Section 5.7 and the strategies summarized under Section 8, the Town of Weston has developed a Housing Production Program to chart affordable housing activity over the next five (5) years. The production goals are best guesses at this time, and there is likely to be significant fluidity in these estimates from year to year.

²⁸ Massachusetts General Law Chapter 40B, 760 CMR 31.07 (1)(i).

²⁹ If a community has achieved certification within 15 days of the opening of the local hearing for the comprehensive permit, the ZBA shall provide written notice to the applicant, with a copy to DHCD, 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 ZBA's assertion, it must do so by providing written notice to DHCD, with a copy to the ZBA, within 15 days of its receipt of the ZBA's notice, including any documentation to support its position. DHCD shall review the materials provided by both parties and issue a decision within 30 days of its receipt of all materials. The ZBA shall have the burden of proving satisfaction of the grounds for asserting that a denial or approval with conditions would be consistent local needs, provided, however, that any failure of the DHCD to issue a timely decision shall be deemed a determination in favor of the municipality. This procedure shall toll the requirement to terminate the hearing within 180 days.

³⁰ Massachusetts General Law Chapter 40B, 760 CMR 56.00.

Table 7-1: Weston Housing Production Goals

Strategies by Year Name/Housing Type	Affordable SHI Units	Market Units or Ineligible SHI Units	Total # Units
Year 1 – 2016			
Brook School Apartments/senior rental on Town-owned property	14	0	14
131-133 Wellesley Street/Rand House and School House on Case Estates/rental housing on Town-owned property	3	0	3
<i>Subtotal</i>	<i>17</i>	<i>0</i>	<i>17</i>
Year 2 – 2017			
Boston Properties/rental housing on private property through the “friendly 40B” process or Chapter 40R/40S Smart Growth Zoning	200*	150	200
216-218 Boston Post Road/rentals on privately-donated property	4	0	4
<i>Subtotal</i>	<i>204</i>	<i>150</i>	<i>204</i>
Year 3 – 2018			
Covered under Year 2			
Year 4 – 2019			
Private development with institutional partner/rentals through the “friendly 40B” process	40*	30	40
<i>Subtotal</i>	<i>40</i>	<i>30</i>	<i>40</i>
Year 5 – 2020			
Covered under Year 4			
Total	261	180	261

* All units in a Chapter 40B rental development are eligible for inclusion in the SHI even though only 20% (with affordability at 50% AMI) or 25% (with affordability at 80% AMI) are required to be actually affordable.