

**Winchester Housing Partnership Board
Minutes for the Meeting of June 22, 2016**

Present at this meeting were John Suhrbier, Laura Fitzgerald, Susan Verdicchio, Felicity Tuttle, Cathy Boyle, Jerome Garciano, Naomi DeLairre, Charles Tseckares, Jody Collins-Skinner, guest Marty Jones and Allan Rodgers, who prepared these minutes.

Absent were Susan McGonagle, Ed Baratta and Michael Bettencourt.

The Board reviewed the minutes for the May 18 and May 31 meetings and unanimously approved them.

John Suhrbier reported on two issues raised by the approval of the Winning Farm development. The first is whether the two affordable units can be restricted only for elderly. The opinion of a DHCD staff member is that they cannot be so restricted because that would violate the state law prohibiting discrimination against families with children in housing.

The second issue is the presence of an anti-40B clause in the development agreement. Despite the opposition of the WHPB and others, a majority of the Board of Selectmen voted to include it. The WHPB's sense is that this clause is probably illegal since it is inconsistent with overriding state law (such as Chapter 40B itself) and, therefore, unenforceable. John will check further with DHCD on this. The last open question is when the Town will vote on what to do with the \$1,000,000 mitigation payment the developer has agreed to make. The uses of this money must be approved by Town Meeting.

John Suhrbier reported on the Planning Board's consideration of proposed rules for Town Center affordable housing. John has submitted an updated draft and the Planning Board is scheduled to take this up at its July 12 meeting. One issue is what kind of financial pro forma the Town should require a developer to furnish. The WHPB has recommended the form required by DHCD for Chapter 40B proposals.

The Board briefly discussed the state zoning law changes in a pending legislative bill. The state Senate has passed a version of the bill, but it not clear that the House will get to it this session. Cathy Boyle discussed a separate bill she has drafted which provides state loans for accessible housing units for persons with disabilities and elderly persons.

The Board discussed the 296 rental unit Forrest Ridge Chapter 40B proposal filed on June 17 with MassHousing by Krebs Investor Group. A site walk is scheduled for June 28, with Allan Rodgers and Felicity Tuttle volunteering to participate in this. Potential issues include access over Stoneham conservation land, water and sewage flows, traffic, impact on the Winchester school population, and transport for the residents. If the 416 Cambridge St, development goes forward and this development is built, Winchester's Chapter 40B housing inventory will increase from 1.9 to 6.1%. The WHPB is asked to submit comments directly to MassHousing, as it did on the Cambridge St. proposal. The Board of Selectmen plan to conduct its own public information meeting. It was agreed that John Suhrbier, Allan Rodgers, Felicity Tuttle, Jerome Garciano, and any other interested members would serve as a working group to prepare a draft of the requested submission to MassHousing. Since the Housing Partnership Board is not scheduled to

meet during July and August, the following approach was agreed upon for review and revision. The draft prepared by the working group will be circulated to the full membership for review and comment. If there is agreement on the general form and message of the letter and if all of the requested changes can be accommodated, then the letter will be finalized and submitted. If there is not agreement on the letter or if all of the requested comments cannot be incorporated, then a special meeting of the Housing Partnership Board will be scheduled.

There is interest among some Town boards in once again initiating a proposal that the Town place on the ballot a vote to adopt the state Community Preservation Act. If adopted, this would add a small surcharge to local real estate taxes which then would be partially matched by state funds. This money could be used to pay for improvements in affordable housing, historic preservation, and open space. The Historic Commission will present this proposal to the Planning Board, and request Planning Board sponsorship. The WHPB supported a similar initiative some years ago when it was ultimately rejected by the Town. Members indicated the importance of building support through a carefully structured outreach initiative, and that such an effort requires considerable time and organization.

The Board began a discussion in response to the Town Moderator's request made at the conclusion of the Special Winning Farm Town Meeting that the WHPB report to the Fall Town Meeting on the potential loss of real estate tax revenue and other potential economic considerations resulting from the building of affordable housing. There were comments made about what the Board might say. John requested members to forward further suggestions to him and reported that he will begin work over the summer on this presentation.

John Suhrbier described selected points from this year's Massachusetts Housing Partnership's Annual Housing Institute he recently attended. There were sessions on housing economics, cottage-style affordable housing, and how arguments to retain "community character" often are a mask for discrimination against certain populations. The presentations at the conference are available on the Massachusetts Housing Partnership website. Marty Jones described a recent conference and report on The Missing Middle sponsored by the Urban Land Institute, which she will make available to Board members.

John said that he is meeting with the 15 Dix St. developer on June 29 to determine the currently timeline for completion of construction and to start the Town's LIP application to the state for the one affordable first-time homebuyer unit there. Marketing for this unit probably will start at the end of the year.

Cathy Boyle gave an update on the Housing Authority's prospective RFP for 20 micro units of housing, 8 of which would be for persons with disabilities. The WHA is seeking an appropriate site and funding for the proposal.

The Board set its next meeting for Wednesday, September 7, at 7:30 PM.

Winchester Housing Partnership Board
Minutes for the Special Meeting of May 31, 2016

Present: John Suhrbier, Allan Rodgers Susan Verdicchio, Charleas Tseckares, Catherine Boyle, Michael Bettencourt. Jody Collins Skinner, Jerome Garciano, Felicity Tuttle, Naomi DeLairre

Absent: Susan McGonagle, Laura Fitzgerald, Ed Baratta

The purpose of this special meeting of the Housing Partnership Board was to prepare for the June 6 Special Town Meeting concerning the sale of a portion of Winning Farm from the Salters to Bonvie Homes (BEK Winchester Winning Farm LLC) for the construction of age restricted housing. The specific objectives were 1) to review the results of recent negotiations between the Board of Selectmen and Bonvie Homes, especially with respect to the provision of affordable housing; 2) to decide what positions to take, if any, on the two Special Town Meeting Warrant Articles; and 3) to discuss the comments that should be made to the Special Town Meeting regarding the position and recommendations of the Housing Partnership Board.

It had been anticipated that a draft Development Agreement would have been completed and made available prior to this May 31 meeting. However, this proved not to be possible because the negotiations between the Selectmen and Bonvie Homes extended longer than expected.

Michael Bettencourt began the discussion by addressing the question of whether this sale of land had to go through a Chapter 30B public bidding process. Conflicting advice was received from the Massachusetts Office of Inspector General, with the eventual decision being that a public RFP process was not necessary since this was a sale between two private parties. However, a new Development Agreement was necessary and this change requires approval by Winchester Town Meeting.

A second assessment of land value has been received and reviewed by the Board of Selectmen, but the results have not yet been released for public review and comment.

In the final negotiations, the Board of Selectmen asked Bonvie Homes to improve their offer with respect to the provision of affordable housing, the provision of conservation trails and walkways, roadway construction, construction of public parking to serve the conservation land, improvements to the Thornberry Road pumping station, municipal water supply improvements, fund up to \$500,000 of sewer improvements, and increase the linkage payment from \$1M to \$1.2M. Except for the increased linkage payment, Bonvie agreed with each of these requests.

Regarding affordable housing, Bonvie agreed to include two on-site affordable housing units if the Selectmen agreed to add one additional market rate unit, thereby increasing the size of the development from 26 to 29 housing units. Bonvie initially asked for two additional market rate units in trade for the two affordable units, but the Selectmen did not agree to this request. Bonvie explored a number of opportunities to provide affordable housing off-site rather than on-site, but each of these posed uncertainties which could not be overcome. Since the two affordable units are lower than the three units required under a 10 percent affordable guideline, the Selectmen still may decide to use a portion of the \$1M linkage payment for affordable housing purposes. This decision, though, will not be made as part of the June 6 Special Town Meeting.

While the two affordable units will be in perpetuity, other aspects of the affordability provisions will be agreed upon during the subsequent Planning Board and Zoning Board of Appeals phases, with approval by the Massachusetts Department of Housing and Community Development (DHCD) also required as part of a Local Initiative Program (LIP) application. In informal discussions, DHCD has indicated that while they would prefer not to have the affordable units be age restricted, they would be required to accept this under the provisions of the Federal Housing for Older Persons Act (HOPA). However, DHCD has indicated that they will not allow a further restriction prohibiting children under the age of 18 from living in the two affordable units.

Article 2 of the Special Town Meeting would add an Attached Residential Cluster Development Overlay District (ARCDOD) to the existing Independent Elderly Housing (IEH) overlay zoning district. This article was supported unanimously by the Housing Partnership Board since it will improve the feasibility of developing housing on this Winning Farm land.

Article 1 of the Special Town Meeting would allow the Board of Selectmen to enter into a new development agreement with BEK Winchester Winning Farm LLC (Bonvie Homes) replacing the existing development agreement with the Salters. After considerable discussion and with reluctance, the Housing Partnership Board also voted unanimously to support passage of this article on the condition that the draft new development agreement does not contain any surprises to the information that has been released to date. Allan Rodgers and other members repeated their preference to have an alternative developer that would commit something closer to the currently approved 88 unit development so that a larger number of affordable housing units would be provided. However, they recognize that another developer, either for-profit or non-profit, has come forward with an alternative proposal. Initiatives by the Housing Partnership Board to meet with either the Salters or their lawyer consistently were refused. Cathy Boyle expressed her preference for ten off-site "micro units" that would serve the housing needs of persons with disabilities. Members of the Housing Partnership Board also expressed the opinion that the process was being rushed, and that a better solution could have been obtained with a slower and more open process. Michael Bettencourt responded that he started working on this proposal a year ago, and that the Selectmen had been regularly discussing the associated contract negotiations in Executive Session since December.

Regarding the remarks to be made to Town Meeting by the Chair, John Suhrbier, members of the Housing Partnership Board had three suggestions. The first was to review the history of the town's decision to purchase this Winning Farm land for a combination of conservation and housing purposes, including the use of funds from the Conservation Fund and the Affordable Housing Fund to cover the cost of this purchase. The second was to include a statement that the proportion of the housing units that would be affordable under the Bonvie proposal represented a significant reduction to the number contained in the town's original Request For Proposals and the commitment made by the Salters. The third was that since the two affordable units agreed to by Bonvie Homes were less than the current 10 percent practice, the Selectmen should recommend that a significant portion of the \$1M linkage payment be devoted to affordable housing.

**Winchester Housing Partnership Board
Minutes for the Meeting of May 18, 2016**

Present: John Suhrbier, Chair, Allan Rodgers, Vice-Chair, Cathy Camp Boyle, Laura Fitzgerald, Susan Verdicchio, and Felicity Tuttle, Clerk pro tem, and visitor Marty Jones.

Absent: Naomi DeLairre, Jerome Garciano, Ed Baratta, Michael Bettencourt, Susan McGonagle, Jody Collins Skinner, Charles Tseckares

1) Winchester North, 416 Cambridge Street

An appeal has been filed by neighbors of the ZBA approval with conditions of the 40B development located at 416 Cambridge Street. The next step is for the developer, working in cooperation with the town, is to prepare a response to this appeal.

2) Spring Town Meeting Articles

- a) Both site plan review articles passed with 73% vote. There was a motion to reconsider which failed. A proposal to reconsider still could be made, either for Fall Town Meeting or the Fall election ballot as a non-binding referendum.
- b) The Article proposing demolition delay for all buildings built before 1940 was withdrawn.
- c) Article 11 gave the impression that funding was going to be used only for a parking garage, which was not what was intended. The plan, instead, is for a partly underground garage and a combination commercial and housing building above. Town meeting voted in favor of authorizing \$100,000 for the review of two site, of which \$25K would come from the Housing Fund.

Laura Fitzgerald noted that in addition to the Chamber of Commerce building and parking lot which the Town currently owns, the building at 40 Church is quietly on the market for \$3.7M and the one story building next to it with office, hair salon and retail also is on the market. Were the Town able to acquire both of these parcels, then potentially much more would be available to build upon.

3) Statewide Zoning Omnibus Bill

Chair John Suhrbier learned from State Senator Jason Lewis that a new statewide zoning bill is moving forward. If passed, it would require all municipalities to have zoning that permits accessory apartments and it also would require communities to have one or more zoning areas for multi-family homes.

4) Fletcher Fund

The Chair reported that members of the Board of Selectmen are concerned that no forward movement has yet taken place with regard to the Fletcher Fund. At a Board of Selectmen's meeting on May 16, Jim Whitehead, Lance Grenzeback and Steve Powers urged Richard Howard, Town Manager, to arrange a meeting with the Interfaith Council and other social service providers in town. This meeting tentatively was set for June 8. A

question was asked that with Diane Saparoff now retired from her position with the Council on Aging, who will process Fletcher Fund applications. A replacement for Ms. Saparoff currently is being hired, and it is anticipated that administrative support for the Fletcher Fund will be a part of this person's responsibilities.

5) New Council on Aging Director

Philip Beltz is the new COA Director. Allan Rodgers and John Suhrbier met with Mr. Beltz on April 26th and learned that he brings extensive experience in housing-related issues to this position.

6) 15 Dix Street

The Chair reported that Mike Manzo is now anticipating that 15 Dix Street will be completed by mid-April of 2017. This is helpful for planning the timeframe necessary to market the single affordable unit located there. After submission and approval of a Local Initiative Program (LIP) application, marketing of the unit is required to last at least 60 days so this could begin in January of 2017. However, it may be preferable to start marketing as of December 1, 2016. This would give time for interested and qualified applicants to apply, time for the Lottery, approval of the winner's mortgage, etc. While Jennifer Cafarella, who has handled so much of this in prior instances, has increased her hourly time with the Town, her duties have increased significantly as well. Thus, we may need to hire someone to do what Ms. Cafarella has done in the past. The approximate sale price is expected to be \$170,000. There will be no local preference available where this is just one unit.

7) Center Business District [CBD] Inclusionary Housing Rules

Three sets of rules are being developed to support the new CBD zoning: architectural guidelines for the design of new buildings, guidelines for the design of changes to Historic Properties, and the Inclusionary Housing rules. The architectural rules are nearly done, and work on the changes to historic buildings is underway.

Comments on the most recent draft of the inclusionary housing rules have been solicited and received. The plan is to incorporate revisions responding to these comments in an updated draft, and then solicit input from the Planning Board.

8) 36-40 Elmwood Construction by Paul Albiani

There are two empty lots located side by side located at 36-40 Elmwood Avenue, with a stone wall going up behind them to the housing located on Vine Street. The Chair explained that Paul Albiani is proposing to build 14 condominium units on these two lots. A major constraint is that the lots are quite shallow in depth. Parking will be located below three floors of housing units, with the parking being partly below grade and accessed from the front. The anticipated pricing will be between \$600-\$800K. The units vary in size from 912 to 1,173 sq. ft.

Paul Albiani reports that he has been perplexed by the interplay between the Design Review Committee and the Planning Board as the DRC has been asking him to do several different things, which he has responded to. The Planning Board then chose to separately hire Dennis Carlone to seemingly duplicate the work of the Design Review

Committee, and asked Albiani to pay for Carlone's costs. The problem is that Carlone has requested a few changes which don't dovetail with the DRC requests, and these differences have yet to be resolved.

One affordable unit will be provided, corresponding to 10 percent of the total number of 14 units. This will be located on the second floor, located in the center and facing the back of the lot. The Chair met with Paul Albiani on Monday, May 16, to begin talking about the condo docs and how the condo fees need to be in line with the price of the affordable unit and not be determined as a percentage of the square feet of the unit to the whole. Construction is planned to begin in the spring of 2017. This will be the first construction going forward under the new CBD Zoning that will contain affordable housing under the new CBD zoning by-law.

9) Winning Farm

Following the April WHPB meeting, the Chair revised and submitted the draft position paper and distributed it to the Town Manager, Planning Board Chair, and Board of Selectmen. To date, no responses have been received. It has been learned that the price Bonvie Homes will be paying the Salter Group is \$3.25M for the 12.5 acres of land. The Selectmen have concerns that the \$1M "linkage" payment Bonvie has offered to the Town is not high enough, so they have requested additional appraisals of the land value under different development scenarios. We believe that these scenarios include all single family homes, the currently accepted 88 units of senior housing, and the 26 age restricted condos as now proposed. Some Selectmen thought an initial appraisal was low, so they requested a second appraisal based on the on similar criteria. That second appraisal was scheduled to be submitted on May 9, but the availability and results of this new work have not yet been released.

The BOS are considering nearly every aspect of this Winning Farm proposal from Bonvie Homes as ones for which they can go into Executive Session on the basis of "contract negotiations." As a result, results of these discussions are not known and opportunities for other town boards to comment in a public meeting have not been provided.

John Suhrbier, Allan Rodgers, and Richard Howard met with Ron Bonvie and his financial person for the project, Albert Ellis, on April 25 discuss Bonvie's proposed method for meeting the affordable housing provisions contained within the ARC DOD overlay zoning district being proposed for this site. At that meeting, Mr. Bonvie refused to include any on-site affordable units. Instead, he is willing to fix some units in town. As an example, Richard Howard suggested possibly rehabbing the currently empty house located at 22 Highland.. This is decrepit town-owned single family house on long term lease to the Housing Authority. There was additional discussion regarding Bonvie buying two two-family houses, renovating them, and selling them to the Town for \$1.

Cathy Camp Boyle pointed out that the WHA has very different plans for 22 Highland and that they are in a position of good leverage as they hold the lease for another 80 years or so. WHA still is very interested in trying to find a good location for 10 micro-units for persons with disabilities. She has spoken with the owner of the Creative Corner lot and he is absolutely not interested in selling. Laura Fitzgerald pointed out that the Gosselin Law Building on Main Street has been on the market for quite a while now, and that this

is on a good sized lot and the adjacent O'Keefe gas station also is now up for sale. These two locations in combination could be good space for the Housing Authority's desired 10 micro-units. Cathy said she will pursue those questions in the next week or so.

In response to interest in the Winning Farm location expressed by Pam Hallett, Executive Director of the non-profit Housing Corporation of Arlington (HAC), the Chair suggested that she should get in touch with Richard Howard to see whether a non-profit could submit an alternative proposal for housing development on the Winning Farm land. Howard suggested that she directly contact the Salters. As far as we know, this came to naught and so HAC has not bothered to put together any further proposal.

John Suhrbier, Felicity Tuttle and Aba Taylor, Executive Director of the Winchester Multicultural Network, met on Wednesday morning, May 18, to talk about the Bonvie Homes proposal and the significant differences between it and the approved 88 unit Salter Group assisted living which would have included 18 affordable units. The Multicultural network is trying to decide what position to take with respect to the Bonvie proposal.

The BOS is planning a second meeting with neighbors, subsequently scheduled for May 26, to further discuss the Bonvie proposal. Mark Vaughan is now representing Bonvie Homes as their attorney for the proposed Winning Farm development.

If needed, a special meeting of the Housing Partnership Board may be scheduled prior to the currently scheduled June 6 Winning Farm Special Town Meeting.

The meeting adjourned at approximately 9:17 PM.

Respectfully submitted,

Felicity Tuttle

Felicity Tuttle, Clerk Pro Tem

**Winchester Housing Partnership Board
Minutes for the Meeting of April 20, 2016**

Present: John Suhrbier, Allan Rodgers, Susan McGonagle, Cathy Boyle, Susan Verdicchio, Laura Fitzgerald, Michael Bettencourt, Felicity Tuttle, Jerome Garciano, Naomi DeLairre

Absent: Charles Tseckares, Ed Baratta, Jody Collins Skinner

416 Cambridge Street: The Zoning Board of Appeals April 14, 2016 decision to approve, with conditions, the 416 Cambridge Street housing proposal was reviewed. The next step is to wait and see if one or more of the abutters choose to appeal this decision.

A question was asked when these units can be added to Winchester's state approved housing inventory. The Chair agreed to look into this question. The understanding, though, is that it is possible to add the units prior to the completion of construction and residency.

Winning Farm: This discussion began with a summary of the 21 year history of the town's decision to purchase this land using money from the Conservation and the Affordable Housing Funds, with a portion of the land to be used for the development of housing and the remainder to remain as conservation land. The original housing intent was to be assisted living with twenty percent of the units reserved for moderate and middle income seniors. The desired size of the facility was to be between 80 and 120 units. The proposal from Salter Healthcare was selected by the Board of Selectmen that provided for a total of 145 living units: 90 assisted living, 35 independent living, and 10 single family homes.

When it became clear late in 2014 that the Salters were no longer able or interested in building on their Winning Farm land, members of the Housing Partnership Board attempted on multiple occasions to meet with the Salters and introduce them to one or more non-profit housing developers that would enable them to complete a housing development on this land that fulfilled the town's objectives for affordability. None of these offers were accepted. The sense of the Housing partnership Board is that the Salters and the Board of Selectmen should examine alternative housing development proposals before agreeing to proceed with the present proposal from Bonvie Homes. The Housing Corporation of Arlington (HCA) has indicated an interest in developing such a proposal, and members asked Jerome Garciano, Allan Rodgers, and John Suhrbier to continue their attempts to facilitate an offer from HCA.

The current proposal from Bonvie Homes is to build 26 age restricted town houses. The proposal would be built using the provisions of an ARCDOD zoning overlay rather than the current IEH overlay. It is the Housing Partnership Board's interpretation of the ARCDOD zoning that this requires either on-site or off-site affordable housing. In contrast, Bonvie Homes is proposing a \$1M linkage payment that the Board of Selectmen could then choose to place in the town's affordable housing fund, use for some other purpose, or a some combination of these purposes. Alternatively, Ron Bonvie of Bonvie Homes has indicated that would be willing to renovate an existing town-owned property. John Suhrbier and Allan Rodgers will meet on April 25 with Ron Bonvie and Town Manager Richard Howard to discuss various ways in which Bonvie Homes may be able to satisfy the affordable housing provisions contained within the ARCDOD zoning. Both on- and off-site possibilities will be discussed, including development of a multiple-unit group home. Housing Partnership Board members expressed a strong preference for on-site affordable units. They also viewed the offer of a \$1M linkage payment to be very much on the low side, even if it was used entirely for affordable housing purposes.

Bonvie Homes has stated that the expected sales prices of their age restricted housing will average \$1M per unit. The three members of the Housing Partnership Board who are realtors

each stated that they felt that actual sales prices may exceed this price. For example, a similarly sized Graystone housing unit recently sold for approximately \$1.3M.

The Board of Selectmen are seeking a second appraisal of the value of the Winning Farm land under alternative development scenarios, with this new information scheduled to be provided on May 9, 2016. As a result, the Selectmen will propose that the Special Town Meeting regarding the sale of Winning Farm be delayed from April 26 to June 6, 2016. Because of this delay, the Housing Partnership Board decided not to take a position on either of the two Special Town Meeting Warrant Articles until the May meeting.

Regarding the draft position paper that had been developed and distributed for review following the March meeting, members asked that this be updated and formally submitted to the Board of Selectmen.

Housing Related Spring Town Meeting Warrant Articles: After discussion, a decision was made not to take a formal position on the four Planning Board and two Historical Commission Town Meeting Warrant Articles having a direct relationship to the town's housing stock.

Regarding the Article 11 request by the Town Manager for funding for the preliminary design of a public parking garage, the Housing Partnership Board opposed using money from the town's Affordable Housing Fund to support this cost. Money in this fund should be used to produce affordable housing rather than to expand the capacity of off-street parking. Michael Bettencourt agreed to convey this conclusion to the Selectmen and the Town Manager.

Inclusionary Housing Rules for New CBD Zoning: Allan Rodgers and John Suhrbier met with Town Planner Brian Szekely on April 7 for an in-depth review and discussion of the draft rules. Several agreed upon changes resulted from this discussion.

Following receipt of comments from other requested reviewers, a new version of the draft rules will be prepared. The Planning Board's public hearing on the full set of rules supporting the new CBD zoning is scheduled for May 24.

Sewer Connection and Mitigation Fees: Allan Rodgers and Felicity Tuttle have examined the current structure of sewer connection and mitigation fees and concluded that a disparity exists in the fees charged for single and multiple unit housing, with the construction of single family homes being charged a significantly lower rate. Michael Bettencourt agreed to determine the Board of Selectmen's schedule for reviewing and adjusting these fees.

Review of Fletcher Fund and Town Housing Fund Procedures: In part because of the attention being given to the proposed new EverSource underground power transmission lines, the agreed upon meeting with town organizations serving low income persons and households has not yet been scheduled.

Phillip Beltz has been appointed as the new director of Winchester's Council on Aging. In his previous work in Chicago and on Long Island, Mr. Beltz has developed considerable experience implementing affordable housing and meeting the housing needs of low income seniors. John Suhrbier will arrange to meet with Mr. Beltz.

Next Meeting: The next meeting of the Housing Partnership Board was scheduled for Wednesday, May 18.

September 12, 2016



RECEIVED COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

2016 SEP -8 PM 12:19

TOWN OF WINCHESTER
D.T.C. 6-2
TOWN MANAGER
BOARD OF SELECTMEN

September 6, 2016

Investigation by the Department of Telecommunications and Cable, On its Own Motion,
Instituting A Rulemaking and Regulation Review Pursuant to G.L. c. 30A, 207 C.M.R. § 2.00,
220 C.M.R. § 2.00, and Executive Order No. 562 To Reduce Unnecessary Regulatory Burdens

NOTICE OF PUBLIC HEARING AND REQUEST FOR COMMENTS

On September 6, 2016, the Department of Telecommunications and Cable ("D.T.C.") issued an Order Instituting a Rulemaking, pursuant to the provisions of G.L. c. 25C, G.L. c. 30A, G.L. c. 159, G.L. c. 166A, 220 C.M.R. § 2.00, 207 C.M.R. § 2.00, and Executive Order No. 562, to reduce unnecessary regulatory burden and to amend or rescind D.T.C. regulations within Titles 207 and 220 of the Code of Massachusetts Regulations ("C.M.R.").

The D.T.C.'s regulations currently reside in two Titles of the C.M.R., with cable regulations located in Title 207 and telecommunications regulations located in Title 220. However, Title 220 has been assigned to the D.T.C.'s sister agency, the Department of Public Utilities ("D.P.U."). Further, certain chapters, including 220 C.M.R. §§ 1.00, 2.00, 5.00, 45.00, 26.00, 77.00, and 78.00, are presently used by both agencies and applicable to industries regulated by both agencies.¹ As a result, the D.T.C.'s proposed amendments largely shift D.T.C. regulations and those applicable to telecommunications into Title 207. In addition, with the exception of 220 C.M.R. § 45.00, which will continue to apply to both agencies, but will not be addressed at this hearing, the D.P.U. will independently propose to amend Title 220 to remove that Title's applicability to telecommunications common carriers.

The D.T.C. proposes to merge procedural regulations applicable to cable and telecommunications into a single chapter, 207 C.M.R. § 1.00, and similarly merge regulations involving the adoption, amendment, or repeal of regulations into 207 C.M.R. § 2.00. Other proposed changes include technical corrections, updating outdated references, and choosing not to repromulgate certain unnecessary or shared regulations. In particular, the D.T.C. proposes not to repromulgate 220 C.M.R. §§ 16.00 and 273.00 in its regulations. The D.T.C. also proposes not to repromulgate telecommunications-specific provisions contained in 220 C.M.R. §§ 77.00 and 78.00. As noted above, the D.P.U. will independently propose to rescind 220 C.M.R. §§ 16.00 and 273.00, and to amend 220 C.M.R. §§ 77.00 and 78.00 so that they do not apply to telecommunications common carriers.

A copy of the D.T.C.'s Order and proposed amended regulations may be viewed at the D.T.C.'s Washington Street address listed below. The D.T.C. has also posted a copy of the Order and proposed amended regulations on its website. Documents on the D.T.C.'s website

¹ Although Title 220 has been assigned to the D.P.U., several Chapters remain within the regulatory purview of the D.T.C. due to the agencies' joint history. In addition, due to longstanding practice, the D.T.C. relies on the regulations as they are drafted and listed on the D.T.C.'s website, rather than those amended by the D.P.U. (e.g., Chapters 1.00, 2.00, and 5.00). The D.T.C. and the D.P.U. share jurisdiction over Chapter 45.00, which applies to pole attachments.



TOWN OF WINCHESTER PLANNING BOARD MEETING
TUESDAY SEPTEMBER 13, 2016, 7:30PM – BOARD OF SELECTMEN’S ROOM
7:35PM – CONTINUED PUBLIC HEARING FOR HISTORIC STRUCTURES GUIDELINES

	BUSINESS
7:30PM	Open Meeting and Chairmen’s Comments
7:35PM	Continued Public Hearing for Historic Structures Guidelines
8:00PM	Winning Farm Prelim Review
8:45PM	Wright Locke Farm Overlay District
9:15PM	Community Preservation Act
9:45PM	Driveway Curb Cut Bylaw

	CORRESPONDENCE
	Petition # 3767 – Rear 65 & 69 Cambridge Street – DENIED
	City of Woburn – Public Hearings

	2016 MEETINGS
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Tuesday, Sept 27	Regular Planning Board Meeting; 7:30PM; Board of Selectmen's Room
Tuesday Oct 11	Regular Planning Board Meeting; 7:30PM, Board of Selectmen's Room
Tuesday Oct 25	7:30PM – Regular Planning Board Meeting, Board of Selectmen's Room
Tuesday Nov 8	7:30PM – Regular Planning Board Meeting, Board of Selectmen's Room
Thursday Nov 10	7:30PM – Fall Town Meeting Begins, Location TBA
Tuesday Nov 22	7:30PM – Regular Planning Board Meeting, Board of Selectmen's Room
Tuesday Dec 13	7:30PM – Regular Planning Board Meeting, Board of Selectmen's Room
Tuesday Dec 27	7:30PM – Regular Planning Board Meeting, Board of Selectmen's Room