

WINCHESTER HOUSING PARTNERSHIP BOARD

Minutes for Meeting of September 28, 2016
Waterfield Room, Town Hall – 7:00 PM

Members Present: John Suhrbier, Chair; Michael Bettencourt, Selectmen; Naomi DeLairre; Laura Fitzgerald, Council on Aging; Jerome Garciano; David Miller, Conservation; Jody Skinner; Susan Verdicchio, School; and Felicity Tuttle, Clerk Pro Tem.

Members Absent: Cathy Camp Boyle; Susan McGonagle, Disabilities Access; Allan Rodgers; Charles Tseckares, Planning.

Convening of Meeting [Quorum of 7 present]:

Chair John Suhrbier – Some members may not be able to stay for the entire meeting since they have other simultaneous obligations. Should we have fewer than 7 members present at any one time, we will need to adjourn the meeting. Thank you to many who rearranged their schedules in order to attend.

Following the September 7 meeting, four separate Public Records Requests were submitted and Mr. Suhrbier said that he had worked closely with Town Clerk Mary Ellen Lannan and Town Counsel Wade Welch to compile the responses from members.

There are three stated purposes for this evening's meeting, as stated in the posted agenda, that respond to specific requests made following the meeting held on September 7, 2016:

1. For members to discuss Atty. Mark Bobrowski's letter of September 1, 2016 submitted to MassHousing on behalf of the Board of Selectmen;
2. To allow the neighbors to speak further in relation to the Forest Ridge project; and
3. To decide if the Board should submit a second letter to MassHousing commenting on information that became available following submission of the first letter on August 10, 2016.

Mr. Suhrbier provided a brief history of the WHPB in order to provide a context for the Board's comments submitted to MassHousing. The Board was established by vote of Town Meeting in 1987. Seven members are liaison representatives from other town boards and committees; six are appointed by the Town Moderator. The Board reviews new housing development proposals and provides advice with respect to meeting the town's affordable housing targets. We have no authority, and we have no budget. We are part of Town government, but we are purely advisory in nature.

Why did the WHPB submit a letter directly to MassHousing on Forest Ridge? MassHousing needs to take into consideration steps we as a Town have taken, are taking, and contemplating taking to increase affordable housing in Winchester. This information is not contained in the comment letter submitted by Atty. Bobrowski. Winchester's affordable housing percentage is presently 1.9% out of a desired 10%. MassHousing turns to WHPB for an assessment of Winchester's housing needs, and the degree to which these needs would be satisfied by the proposed Forest Ridge project.

Typically MassHousing either approves or disapproves a preliminary application for a project. For larger and more controversial projects such as Forest Ridge, MassHousing on occasion may decide that there are issues which need to be addressed prior to their making a decision whether to approve or not approve a preliminary application. It was this middle option that the WHPB recommended that MassHousing take in this case. Beyond the provision of additional affordable housing, the

WHPB identified a number of important issues/problems related to this very large project which we believed merited further considerations.

Dorothy Feldman [from public seating]: Where in its August 10 letter did the WHPB refer to the qualified recommendations to the project?

Chair: In the beginning and at the end.

Discussion of Board of Selectmen Sept. 1 Letter to MassHousing

The purpose of this portion of the meeting was to provide members of the WHPB the opportunity to comment in public session on the September 1 letter submitted to MassHousing by Atty. Mark Bobrowski on behalf of the Board of Selectmen. Specifically, does the letter contain new information that would change the observations, conclusions, and recommendations contained in the Housing Partnership Board's Forest Ridge letter submitted to MassHousing on August 10?

Cathy Boyle, a Board Member who is not available tonight as she is chairing a meeting out of town, sent an email to Mr. Suhrbier which she asked be read into the Minutes during this portion of the meeting: "Forest Ridge is suitable for multi-family housing. Whether this particular project is the right fit for the site is another issue altogether. However, the town has a very poor record for affordable housing development, and I think it unlikely, if the developer can clear the technical site issues, that DHCD would not approve it moving ahead."

Boyle's email continued: "If the town really wants the benefit of the doubt from DHCD, I think it needs to get ahead of the curve and develop its own housing production plan, including smaller scale friendly 40B developments that are suitable to the scale of the town and meet the needs of its residents. As you know, there are plenty of people who live or work in town who would qualify and benefit from affordable housing, including teachers, firefighters, people with disabilities, and veterans. One of the reasons unfriendly 40Bs tend to be so big is because they need to be worth enough money to make up for the drawn out political process – over four years on average, I have been told. To get smaller developments, the town needs to take the lead."

The Chair then asked to hear from other Members how they feel about the August 10 letter . Since that time, additional letters have been submitted to both the town and MassHousing by members of the public, neighbors of the proposed development, and the Town's real estate counsel Mark Bobrowski.

Susan Verdicchio: I read the letters and looked at the exhibits which talk in more detail about issues which the WHPB letter touched on as well. Mr. Bobrowski's letter also noted a number of legal issues which are really beyond our expertise.

Chair: [For the non-Board attendees in the room:] Anything dealing with Stoneham's issues were not included in the WHPB letter, nor were the legal issues noted in Atty. Bobrowski's letter.

Marty Jones: For the WHPB to take a position on the legal issues seems significantly beyond our area of expertise and those issues have been raised to MassHousing in Atty. Bobrowski's letter.

David Miller: As I understood the purview of the Board, it sounded as if the WHPB letter recognized that there was opportunity for further discussion, but the WHPB letter also pointed out the several preliminary and technical issues which would need to be resolved first.

Chair: Let me note that Mark Bobrowski's letter was 10 pages and went into significantly greater detail than the WHPB letter of 5 pages. Atty. Bobrowski noted in his letter that the technical issues

identified in the WHPB letter mirror those discussed in his letter. Atty. Bobrowski's letter does not comment on the housing needs that would be met by the Forest Ridge proposal, nor does it discuss the architectural design, landscaping, and potential visual impacts identified in the WHPB letter. Overall, the conclusions expressed in the WHPB letter are not as different from those stated in the Board of Selectmen letter as they have been portrayed to be. It appears that MassHousing has received the kind of input requested in their June 21 letter, and they are first looking at the legal issues and seeking responses from the legal representatives of the developers, the Krebs.

Felicity Tuttle: I feel that our original letter really pointed out the aspects of the project which were consistent with our mission as a Board and yet we also identified a number of the problems and issues which would have to be resolved before determining if the housing aspects were feasible.

Naomi DeLairre: I am comfortable with the existing letter.

Laura Fitzgerald: I basically agree with Felicity.

Jody Collins Skinner: I also am OK with the August 10 letter.

Michael Bettencourt: The Board of Selectmen [BOS] responded very aggressively as soon as we received the information regarding the Forest Ridge project. We immediately alerted and began to work constructively with both Representative Michael Day and Representative Jason Lewis to seek their support regarding the problems with the development. The BOS sought to rapidly evaluate the application and held a public information meeting on July 27 in order to receive public comment, which proved to be very helpful to the BOS and to Atty. Mark Bobrowski. I do not feel that the WHPB letter is significantly different than that of the BOS letter even though the BOS letter emphasized the legal aspects.

Jerome Garciano: Wished to reserve comment.

Dorothy Feldman: At the end of his letter, Atty. Bobrowski noted that he had questions. Have those been answered? Michael Bettencourt: The BOS has not received any responses to the questions Atty. Bobrowski posed, but Developer Krebs may have responded directly to MassHousing.

Additional Public Comment Regarding Forest Ridge Residences

Chair: As a preface to the public comment segment, Mr. Suhrbier pointed out that members of the WHPB Board attended the July 27 BOS public information meeting, the walk around, read many or all of the public letters that have been submitted as well as those submitted by various local governmental groups.

Brian Rabinovich [BR] & Dorothy Feldman [DF]: DF is a neighbor of longstanding who lives on Polk Road. BR moved here in June 2016 and is now a close neighbor on Belleview Avenue. Using a six-page handout (attached), BR began their presentation: All of us want more affordable housing; but clearly it is very important to look at Town land and other opportunities which may be available and represent better locations than Forest Ridge. BR explained that he recently moved from Canada where affordable housing is extremely important and the developer makes next to no profit. Speaking for many of the public present, BR wanted to make recommendations that the WHPB write an amended letter based upon additional information received since its first letter was submitted to MassHousing.

There are multiple inaccuracies in the preliminary application submitted by the Krebs Investor Group [e.g. the application says land is located only in one municipality where the property lies in two].

Based upon the application, BR suggests that a further Board letter speak differently about the professional credentials of the Krebs group. It is hard for the neighbors who are against the development to see how Krebs is prepared on the legal aspects that have been raised, and this also speaks to their questionable professional preparedness.

The developer's application has inaccuracies regarding density. Based upon the full lot size of 13.5 acres, approximately a quarter of the Winchester portion of the property is wetland. If you calculate the density based upon the buildable portion of the lot excluding the wetlands, the density is much higher than that stated in the application. The Chair noted that there are two methods to determining density one of which is the method BR is noting; the other is to use the entire acreage.

DF: In the former Kraft Jello Factory located in Woburn and extending into Winchester, there is a large development which has been approved which will include a grocery store, retail, and housing. As a result, there is more development which is coming to this corner of Winchester. In addition, there are almost 300 units in the Stoneham development already being built on Fallon Road which will go into rental by next spring. The density in the immediately surrounding neighborhoods, in addition to Forest Ridge, is significant as well as other possible locations for development. There also is additional Kraft owned land in this vicinity in Woburn and Winchester which would likely use some of the same streets.

DF: There is also the existing adjunct Winchester Hospital location on Washington Street and the new soccer field located off Cross Street, all of which will contribute to increased traffic and density in this corner of Winchester.

Marty Jones: Are there current specific proposals for the two marked parcels noted in the materials just presented to WHPB?

DF: Brian Szekely, Town Planner, said that these two larger plots are currently zoned for single family homes and reports that nothing presently is proposed. But such lots can become 40B locations and used to build multifamily housing.

DF: Because the Forest Ridge land abuts the Middlesex Fells Reservation, the neighborhood group has been talking with the Friends of the Fells about what it would cost to purchase this entire parcel if the Krebs deal were to fall through since the land has significant wetlands, is a wildlife corridor, and has no hiking trails so no dogs to chase the wild animals away. It appears that many wild animals already take refuge in this parcel. We would love something in a new WHPB letter that would suggest that in the event this particular development does not go forward and the contract to purchase ends, then the WHPB recommends that this particular property be bought and donated to the Middlesex Fells.

Michael Bettencourt: Would you be interested in any portion of the land being devoted for affordable housing?

DF: I would be a little ahead of myself answering that question, but I think if we can preserve the large proportion of the land and yet create a very small affordable housing situation which a developer would be willing to go forward with, that would appear to be an alternative solution. Any residential development likely would need to be near the base of the hill on the Forest Circle side, avoiding development on the top of the ridge and not extending to Fallon Road.

Chair: There are two recent alternatives of significant land preservation in Town. Winning Farm where the Town purchased the land and then sold a portion for development with the remainder to

become conservation land; the second is where private funds were raised to conserve the entire Wright-Locke Farm property.

DF: Looking at creative solutions would be excellent. While not fully identified in the application, there appears to be a land sale contract in place. Were this to be off the table and the Shannon's still want to "unload" this very challenging piece of land, perhaps private funding, whether Friends of the Fells or Massachusetts Audubon or another entity, could then bid for it.

Michael Bettencourt: If this project is shot down, presumably the land still will be available for sale. We also are aware that there are some environmental aspects which seem to be serious which might merit further investigation.

Marcia Brown [neighbor of proposed development]: How does the 1.9% affordable housing inventory figure get calculated? What is the basis for the 10% target?

Chair: The 1.9% includes the Westley and Palmer Street senior housing, the 5 affordable units located at Graystone, and other locations that are restricted as affordable housing. There is an actual set of procedures from the state that describes exactly what housing can be included and what cannot. For example, Section 8 rental vouchers which move with a resident do not count as they are personal rather than the property itself qualifying.

FT: And then each time a new single family home is added to the town's total number of housing units, that new housing goes into the calculation of the 10% target, so the 10% requirement tends to keep rising all the time.

Liz Fitzgerald [neighbor]: So often when little homes exist, they disappear and much larger houses built as a replacement. Why don't you use your power to help solve this?

Chair: There is a significant ongoing discussion in town about this issue. Some say it's a private property right; others say it is destroying neighborhood character and resulting in lower neighborhood property values. It is difficult to balance. A warrant article addressing this issue is being brought to Fall Town Meeting.

Ellen White [neighbor]: I wish you could get the Town to build on good existing locations.

Laura Fitzgerald: We typically have looked at what is brought to us; we have not gone out looking for locations. Chair: In addition to the suggestions made this evening, others also have suggested that the town should be more proactive in identifying, evaluating, and prioritizing parcels that potentially could be either developed or redeveloped for multifamily housing purposes.

DF: Let's get permission from the current owner to visit the site. We would like to bring the WHPB, the neighbors, and the public to actually be able to walk on the property and observe where the ledge and the wetlands are.

Chair: If permission can be obtained for a walk of the site, it is important to include representatives of the Conservation Commission, the Planning Board, and the Board of Selectmen, as well as Town staff. A site walk should not be limited to just the WHPB.

Consideration of a Second Comment Letter to MassHousing

Chair: Following the WHPB September 7 meeting, Mr. Suhrbier had multiple conversations with the Town Clerk, the Town Counsel, the Town Manager, members of the Board of Selectmen, and others to determine what might be the best way to proceed given that the original WHPB letter to MassHousing was submitted on August 10. This was prior to the September 1 BOS letter and numerous other public submissions. The question is whether the WHPB would like to submit a

second letter addressing the degree to which the additional information which became available during the month of August changes the conclusions and recommendations contained in the August 10 submittal. The Chair has checked with MassHousing and they are comfortable with an additional letter from WHPB were we to decide to do so. As expected, MassHousing is taking this project very seriously and indicated that they are not likely to make any immediate decision.

Question [audience]: What about the stated 30 day time frame for a MassHousing decision?

Marty Jones: If MassHousing is requesting more information from a project developer, without being overly formal, it extends the period for a response.

Chair: Do we have a Motion to submit a second letter to MassHousing? The idea is simply to decide at this meeting whether or not to submit a second letter. The contents of this second letter then would be deliberated and decided upon as part of the regularly scheduled October 19 meeting.

Skinner: Moves to submit a second letter; Seconded by Susan Verdicchio; Motion approved by a vote of 9-0.

Chair: Members of the WHPB would be very interested in accepting the neighbors invitation to walk the site and having members of other Boards join. DF: also include the Board of Health; FT: MassHousing also should be alerted and invited. Ideally, a site walk could be organized and conducted prior to October 19, the next scheduled WHPB meeting.

Adjourned as of 8:20 PM,

Respectfully submitted,

Felicity Tuttle

Felicity Tuttle, Clerk Pro Tem.

Attachment: Neighbor's handout