

Winchester Housing Partnership Board
Minutes for the Meeting of October 19, 2016, 7:30 PM

Present: John Suhrbier, Chair; Allan Rodgers, Vice-Chair; Michael Bettencourt, Selectman; Naomi DeLairre, Jerome Garciano, David Miller, Jody Collins Skinner, Charles Tseckares, Planning; and Felicity Tuttle, Clerk pro tem. Non-Board Member Marty Jones also present.

Absent: Catherine Camp Boyle, Laura Fitzgerald, Susan McGonagle, Susan Verdicchio

Chair: While the Meeting was posted, the Agenda of the Meeting that was submitted to the Town Clerk's Office did not get added to the posting. Regarding the agenda, the Chair plans to note Updates first. At 8:00 PM, the Historical Commission will come to present on their proposed Preservation By-Law. At 8:30 PM, we will review the contents of a possible second letter from the WHPB to MassHousing regarding the proposed Forest Ridge Residences.

Peggy Schleicher as Member of the Public – She asked to present a letter at the commencement of the meeting concerning the earlier Public Meeting Law Issue raised in conjunction with the August 10, 2016 Forest Ridge letter to MassHousing. Although she believes that she can file a complaint with the Attorney General's Office, she is comfortable were we to rescind the original letter as failing to meet with the Massachusetts Open Meeting Law. She presented a letter representing the issue, a copy of which had been previously submitted to the Town Clerk.

The Chair explained to Ms. Schleicher, as well as others present, that after the issue originally had been raised during the September 7 meeting, he discussed the alleged violations of the Massachusetts Open Meeting Law with both Town Counsel and the Town Clerk. He also contacted MassHousing which informed him that the original letter cannot be rescinded as it already has been submitted; MassHousing has the letter on file and recorded and they have no process "to rescind." As part of the September 28 meeting, the WHPB voted affirmatively to respond to the request of the Forest Ridge neighbors to write a second letter to MassHousing. Part of this evening's agenda is to consider the contents of this second letter.

Peggy Schleicher explained she had not attended the WHPB meeting on September 28 so did not realize that the WHPB already had decided to submit a second letter to MassHousing.

Chair: Updates on Ongoing Matters

15 Dix – The Board of Selectmen is scheduled to vote on October 24 on the Local Initiative Program application to be filed with the Massachusetts Department of Housing and Community Development (DHCD). There was a back and forth for a while with the developer about the location of parking for the affordable unit. The developers originally agreed that parking for the affordable unit would be located

within the garage; the developers then sought to change the agreement so that the affordable unit would only have an outside space. Both the town and DHCD disagreed with this change, and it was eventually agreed an inside space will be provided.

Willows Unit Resale – The resale of one of the two affordable housing units located at The Willows will close on October 27. With DHCD permission, this unit was sold on a “first acceptable application basis” rather than using the traditional lottery process. This is permitted for resales.

Forest Ridge Site Visit – This visit is being arranged by the Town Manager’s Office, but the suggestion has been made to postpone the walk until the leaves are off the trees. However, the site still may be very difficult to visit given the combination of topography and heavy growth. All interested groups are awaiting permission from the current owners.

Waterfield Parcel – Michael Bettencourt was scheduled to report on this item, but had not yet arrived at the meeting because of a commitment to a simultaneous meeting.

Winchester Housing Authority – The supportive housing RFP has been issued, with responses due during December.

Meeting with Jason Lewis - Allan Rodgers and the Chair met with State Senator. Jason Lewis on October 17 in a broad meeting regarding the proposed Forest Ridge Residences, Chapter 40B, housing needs, land use, and plans for the upcoming legislative session. Senator Lewis referred to the Senates housing report which addresses a wide variety of zoning changes, programs whose funding might be supported, multifamily housing, and 6accessory apartment units in homes.

Minutes

- (1) **Minutes of September 7, 2016** – Change to ending at 9:50 PM, Rodgers to be spelled with a “d” and Cathy Camp Boyle to be spelled with a “C.” With those changes these Minutes are voted as approved.
- (2) **Minutes of September 28, 2016** – Minutes voted as approved.

Housing Preservation By-Law Proposed for Fall Town Meeting - The Historical Commission (HC) has been working with the Planning Director and Planning Board on a proposed update to the town’s existing Preservation By-Law. Heather von Mering and Jack LeMenager from the Historical Commission met with the WHPB to present and discuss the proposed changes.

The HC’s proposed article for Fall Town Meeting would remove current the Chapter 14 and fully replace it. They briefly reviewed the history for the new article: The 2010 Master Plan for the Town included material regarding the town’s need to preserve more of its historic homes and the HC was asked to work closely with the Planning Board to be proactive in tracking what was working and not working with the current By-Law which went into effect in 1995 and has been amended four times since then. The Commission already does review all demolition permits against a current list, but the list in existence is defective.

In the proposed article, the HC identifies three criteria for a building to be eligible for review: (1) whether the building appears on the National or State Register of Historical

Places; (2) whether the building was built prior to 1940; and (3) whether the current owner requests a pre-emptive review. The pre-emptive review enables the current owner to request the HC to review the building for a determination whether it is “historic” under the HC criteria; once the HC determination is made and IF the house is deemed historic, that determination “runs with the land. If the house is deemed not to be historic, the demolition delay would not apply while that owner owns the house.

In response to a question regarding a hypothetical house built after 1940, such a house could already be on the National or State Register or the owner could request that the HC review it as potentially historic and conceivably add it to the list.

The National criteria uses a “rolling” 50 year date which seemed too complex for the town to deal with.

The Commission also tried to clarify and define the review process; after approaching Town Counsel Wade Welch, he recommended that they have a real estate attorney advise the Commission on the new By-Law.

The Commission has a lot of documentation regarding each of the neighborhoods in Town. For example, Rangeley Road area asked the Commission to study their area but because of the opt-out option for owners it is not an actual “historic district.”

Encouraging re-use does tend to support more local workers.

The HC noted that the “energy efficiency” argument in favor of new homes may be true of the completed structure, but when one includes the energy used in demolition itself, the energy expended to transport materials, and the energy utilized to rebuild the replacement house, an “energy saving” really does not result from building a large new home.

Town Planner Brian Szekely looked at the demolition permits and the new construction square footage and typically the square footage of the new construction is double, sometimes greater. Many of the older homes being demolished are selling below market and many also off-market.

When the HC reviews, only the exterior of the property is reviewed; not the interior.

In response to a WHPB question: Why does the current list not work?

There are some 900 properties on the current list. Part of the problem is that some properties are on the current list that the Commission does not consider as being historically significant. These listed properties, though, still are subject to the demolition delay when it does not make sense that they are on the list.

There was an attempt in 1979 to catalogue all of the homes in town which predated 1918. According to that compilation, there were then 2000 homes which predated 1918. However, some of those homes may no longer exist.

Many properties which are not now on the current list should be on the list. According to Heather Von Mering, “It takes almost a day to do each property” and probably there are 300 properties which would need to be reviewed. The Finance Committee does not have the money to fund this additional review process.

HC Example: Half of the homes in the Flats are on the National Register and the other half are not. In addition, there are houses on each block that are missing. By contrast, Lexington did evaluate their entire town; it took 30 years and they have a staff of 3 persons to support this work. Winchester has more architecturally historic properties than Lexington [Lexington has historic homes for other reasons but fewer

for architectural reasons.] The HC has approximately 1/3 of the Planning Director's time; that's really it.

HC brought materials to demonstrate that the economics surrounding abutters and the communities generally are increased as a result of a Preservation By-Law.

The proposed By-Law has been thoroughly vetted over the past several months, mirrors those in *existence in a number of/many* other Massachusetts communities, is less restrictive than a number of other communities' bylaws, and, finally, the pre-review provides more flexibility.

We are losing more of the diversity of housing stock which is making the town less affordable; something that members of the WHPB have observed as well.

Motion for Vote: Whether the WHPB will vote to support the Historical Commission's Proposed Chapter 14 of the Code of ByLaws.

Discussion: A question was asked whether zoning may be another way to support diversity in our housing stock rather than via this proposed By-Law. A question also was asked whether the Selectmen have taken a position yet regarding this proposed By-Law; they have not yet. Selectman Bettencourt noted that the proposal appears to fulfill a need which Town Planning has sought for a number of years, and Town Planning has not been able to identify an alternate way to fulfill this need via other approaches.

Voted 5 in favor; 3 against WHPB supporting the proposed Preservation By-Law.

Discussion of a Second Forest Ridge Letter to MassHousing

A draft was circulated to members and audience attendees of a possible second letter to MassHousing concerning the proposed Forest Ridge Residences.

Dorothy Feldman, Present in the Audience representing some of the Forest Circle area neighbors – She asked whether the Board was aware of a very recent letter from Attorney Ronan of Goulston & Storrs for Krebs. The Atty. Ronan letter was just recently posted on the Town website now. The letter refers to the newly formed partnership of Krebs and Marino LLC, October 6, 2016, saying that this new partnership demonstrates “control of the property.” Although there is no financial documentation presented, the letter argues that all of the site access issues should not be considered; traffic and storm water are “essentially” not major issues. Attorney basically refutes the legal bases that Atty. Bobrowski stated on behalf of the Board of Selectmen in his letter of September 1 to MassHousing.

The Chair asked whether we should seek to finalize a second MassHousing Letter this evening or whether we should delay this submission to our next meeting so that members had the opportunity to review this new letter from Atty. Ronan.

Allan Rodgers suggested that we go ahead with the finalization and vote on the proposed second letter this evening, reserving the opportunity to respond further in the event that the Ronan letter presents information that we feel we need to respond to.

Marcia Brown, Bellevue Ave.: Have you been able to do the walk-through yet? Chair: No, This was noted earlier in the meeting; a second site walk has not yet been scheduled.

Michael Bettencourt reported that a formal request has been submitted through MassHousing to the property owner. We have not yet received a response to that request, but anticipate that we will hear back fairly soon. Selectman Bettencourt added that on November 1, State Senator Jason Lewis and State Representative Michael Day will be meeting with MassHousing regarding the Forest Ridge project.

Charles Tseckerer states that one thing omitted from our letter is any mention of the potential impact on the town's schools. The Chair responded that the Housing Appeals Committee has indicated that the impact on local schools is a local responsibility and can not be considered as part of the evaluation of the of a 40B Project. Early in the Forest Ridge review process, the Krebs group indicated that they realized the proposed project would have an important impact on the Winchester schools and that they, Krebs, were committed to assisting in examining and addressing the extent of that impact.

Allan Rodgers made a motion to send the draft second letter to MassHousing reaffirming the August 10 letter with the following additions: we have not done a site review and it is possible we may wish to respond to information in the Atty. Ronan letter at a later date. The motion was seconded by Charles Tseckares and Felicity Tuttle.

Charles Tseckerer requested that the wording regarding size and scope of the project be changed from "reasonable" to "dramatic reduction" as our WHPB view of what is "reasonable" might be quite different from what the developers would consider "reasonable."

Allan Rodgers proposed that the wording change be, "significant reduction."

Peggy Schleicher asked if it is possible to examine traffic impacts not only in Winchester but also in surrounding areas, including the interchange between Routes 93 and 95. Michael Bettencourt responded that the town has pro-actively hired a traffic consultant to look at the many traffic issues.

David Miller asked if the third paragraph of the letter addressing local housing needs should be eliminated since this information was contained as part of the August submission?

Two Highland Ave. neighbors in the audience suggested the Board retract the August 10 letter and replace it with this new letter, putting much more emphasis on the ghastly state of traffic currently and how dreadful it will be after the Stoneham property is rented even before the proposed Forest Ridge project is built. Further, the WHPB should make clear where the Stoneham property is located.

The Chair repeated his earlier comment that the August 10 letter from the WHPB to MassHousing cannot be made null and void. It is on the record with MassHousing so the purpose of this second letter, as requested by the neighbors and as agreed upon by MassHousing, is to supplement the original letter. Stoneham residents already have provided specific information regarding the location of the new apartment building being constructed on Fallon Road so MassHousing is very much aware of this project.

Allan Rodgers stated that the purpose of the current discussion, consistent with his motion, is simply to make editorial changes to the existing draft letter. The Chair agreed that the main purpose of this current discussion is to address the content of this second letter. Considerable input from the public was received during the two prior meetings and, to the extent that we have time, this evening.

Peggy Schleicher expressed strong opposition to our moving forward at this time with this second letter. The two Highland Ave. neighbors repeated that they still have major concerns about traffic and this topic is not sufficiently addressed in the current draft and suggested revisions.

The following is a summary of the specific edits to be incorporated into the draft second WHPB Letter of October 19, 2016:

From Allan Rodgers: The following two additional items are to be included in the letter:

- (1) "As of this letter no site visit has taken place;"
- (2) "We are submitting the present letter without having reviewed the recent letter from Atty. Ronan upon which we may wish to comment on in future" or words to that effect indicating that we have not read Atty. Ronan's letter and that we are reserving our right to comment upon it;

From the Discussion phase: The words "reasonable reduction" of project size are to be changed to "significant reduction" in size of the project;

Naomi DeLairre: Rental housing "such as proposed"

Felicity Tuttle: On Page 2, make spelling changes to "effect" from "affect"; and to "dialogue" from "dialog" which occurs near the end of the letter in two places.

Voted: 8 in favor and 1 against supporting Draft Letter of October 19, 2016, to be Edited as Above and sent to MassHousing as soon as practicable:

Dorothy Feldman reported that she has talked with Friends of the Fells and contacted the attorney for the Sellers representing the Shannon's. IF this proposal should not go through, then the abutters are very interested in putting together some non-profit to purchase the land from the Shannon's so that the property could then be maintained as open land.

Housing Partnership Board Presentation to Fall Town Meeting - The Chair walked through the presentation planned for Town Meeting with Susan Verdicchio, Allan Rodgers, and Michael Bettencourt and has made revisions in response to their comments and suggestions. An updated version will be circulated to Board members. Allan Rodgers asked how this topic will come up in Town Meeting? Is it going to be part of the Board reports presented at the start of the Meeting or will it be a separate item for discussion?

Meeting adjourned at approximately 9:45 PM.

Respectfully submitted,

Felicity Tuttle

Felicity Tuttle, Clerk Pro Tem