

TOWN OF WELLESLEY



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Richard Herlihy, Development Officer
Massachusetts Housing Finance Agency
One Beacon Street,
Boston, MA 02108

Dear Mr. Herlihy:

RE: PE-459 Wellesley Commons, Wellesley, MA

In response to your August 2, 2007 letter inviting the Town of Wellesley's comments on the referenced Project Eligibility Application, after thorough review, the Town strongly opposes it on the several grounds enumerated below. For purposes of this letter, Michael Connolly is referred to as the "Owner", and the Town of Wellesley is referred to as the "Town".

BACKGROUND/GENERAL

We believe affordable housing was not the Owner's original intent for development of this site. Rather there has been a manipulative use of the comprehensive permit process to build in excess of the single family density that the Owner must have known applied to this site when he acquired it. The Owner initiated a citizen petition to the 2007 Annual Town Meeting (Article 53) to rezone the two lots he purchased from Single Residence District to Multi Family Residence District. The rezoning was intended to enable a four unit, market rate multi-family housing development and the Owner represented that he intended to live in one of the units. Town officials spent considerable time with the Owner and his attorney in negotiating a development agreement, which was finalized literally minutes before the Town Meeting at which his petition was presented. Although receiving a majority vote, the petition did not attain the 2/3 vote required. Shortly thereafter, the Owner filed his 40B intentions.

LEVEL OF CONTACT WITH APPLICANT AND THE TENOR OF OUR MEETINGS

There have been many meetings and telephone conversations involving the Owner with both elected and appointed Town officials during the day and at public meetings in the evening. From the first contact with the Owner (July 2006), representation has been made that, because of topography and the cost of the site, there could not be a development proposal that is consistent with the existing zoning on the site. The Owner has never presented any evidence to support this claim, and the Town believes such development is possible. Also, from the beginning of his dealings with the neighbors and the Town, the Owner has indicated the filing of a comprehensive permit application was an option he would pursue if his zoning change was not approved.. This tactic has not engendered goodwill from the Town or the neighbors.

SITE/PROJECT INFORMATION

The two single residential building lots acquired by the applicant comprise 31,417 square feet of land. These lots were subdivided from a single parcel of land by a plan signed by the Planning Board in 1999. These lots were owned by Doug Stiles, a developer of single family homes in the Wellesley and Weston Area. We understand Mr. Stiles faced financial difficulty and that the Owner acquired the two lots as a result. The Town is not aware of Mr. Stiles having ever proposed any development except for two single family homes.

The lots involve a significant down-slope from the rear of the properties (approximate elevation 146) to Washington Street (approximate elevation 126) in a distance of approximately 90 feet. This represents an average grade of approximately 22 percent. A grade of this amount presents barely manageable constraints for any project on the site, even more so for the proposed density of five units. We understand the proposed grading at the rear of the site, in an effort to accommodate the steep topography, will involve placement of rip rap (monumental stones set at the steep angle of a cut slope). The Town does not believe this slope treatment is fair to the abutting single-family owners or to future residents of the project, nor will it be safe, nor immune from future erosion.

More specifically, the Town is concerned with water runoff from the site resulting from the considerable impervious surface to be added by the development. The runoff will be exacerbated by the loss of trees and removal of existing vegetation, which stabilizes the soil. The Town Engineer expresses his view that storm water erosion and runoff issues will jeopardize public safety, especially with the creation of icing conditions on the adjoining sidewalk and roadway. This section of sidewalk serves a busy public playground as well as the Warren Building, located directly opposite on Washington Street, which houses the Health and Recreation Departments

In addition the proposed unit density, lot coverage, parking, driveway and drainage needs are seriously problematic for good planning. There will be scarce space for guest parking or snow storage. The three proposed curb cuts will present an untenable series of traffic conflicts along Washington Street, a heavily traveled, major route through Town

(Route 16), which is complicated by the long-term detour of traffic, a result of the reconstruction of the Route 9/16 bridge by MassHighway.

APPLICANT'S BACKGROUND/STANDING

The Town is not aware that the applicant has any experience in developing housing under Chapter 40B. The application materials make no reference to either a non-profit or limited dividend corporation in existence or proposed to be established. We are not aware that any of the projects mentioned in the application were 40B developments. Being a general contractor on the applicant's own single family home, and acting as attorney for a real estate developer/client, hardly constitute "development experience" relevant to a 40B development.

TOWN'S COMMITMENT TO AFFORDABLE HOUSING

One more affordable unit to be added to Wellesley's existing stock is inconsequential to the Town's actual, provable concern for and commitment to affordable housing. The Town of Wellesley has demonstrated a strong commitment to the creation and retention of affordable housing in Wellesley. Wellesley's percentage of affordable housing was raised in 2007 from 4.73% to approximately 5.46%.

Town Meeting originally adopted an Affordable Housing Policy in 1989. Town Meeting amended the policy in 1997 and established the Wellesley Housing Development Corporation (WHDC), a nonprofit corporation.

The Town passed an Inclusionary Zoning Bylaw at the 2004 Annual Town Meeting, which requires commercial and residential development to provide affordable housing. To further increase opportunities to acquire affordable housing, the 2005 Annual Town Meeting amended the Inclusionary Zoning Bylaw to require subdivisions with a potential of five or more lots to provide affordable housing. Since the passage of these bylaws the Town has negotiated seven affordable rental units from the redevelopment of Linden Square, six affordable rental units from the redevelopment of the Wellesley Inn site located at 576 Washington Street, and is anticipating the negotiation of four or more affordable units from the redevelopment of the Wellesley Motor Inn site located at 978 Worcester Street.

Recently, after years of opposition to a large supermarket at 27 Washington Street, the Town has been presented with a proposal for 150 rental units, of which 20 percent will be affordable housing. This housing development is as a direct result of the Town's zoning initiatives and other efforts to encourage mixed-use of this site, including affordable housing. This particular property is located less than a quarter mile "down the hill" from the Owner's property at 65 Washington Street.

The Town also partnered with developers in a Local Initiative Program for the acquisition of three affordable units at Edgemoor Circle, a twelve unit project. A Comprehensive

Permit recently approved an “over 55” development, without opposition from the Town, resulting in an additional seven units of affordable housing.

In addition, the WHDC has worked with Town organizations to acquire town owned and private land to facilitate the development of affordable units. The Town contributed the former Walnut Street Fire Station property, and the WHDC coordinated the development of this property into three condominium units, one of which is affordable. The WHDC also uses funds available through the Community Preservation Act to acquire properties in Town. (The Town adopted the Community Preservation Act in 2002. As approved by Town Meeting, the local funding source for the Act in Wellesley is a surcharge of 1% on the annual property tax bill.) A single-family dwelling located at 9 Highland Road was acquired, refurbished, and sold as an affordable unit through a lottery process in the past year. The CPA has also funded 4 units of affordable housing for mentally disabled adults at 4 Marshall Road.

Lastly, to investigate additional affordable housing opportunities, Town Meeting, following a recommendation from the latest Comprehensive Plan, has set aside funds for the creation of a Housing Production Plan.

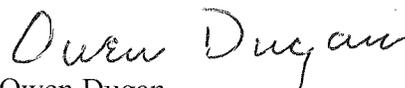
The Town’s goals for affordable housing are to disperse affordable housing through the town by siting new housing in neighborhoods that currently have little or no affordable housing. The 27 Washington Street property has been a site identified by the Town as an opportune site for affordable housing since the rezoning of the area in 1998, which established an overlay district known as the Residential Incentive Overlay.

The Town is investing considerable time and resources in working with the developer of the proposed 150 units of rental housing (including 30 affordable units) at 27 Washington Street. Expending further Town time and resources on the applicant’s proposal, in addition to the considerable time spent in deliberations to-date, for only one affordable unit, is not in the public interest.

CONCLUSION

For the foregoing reasons, after due consideration and the receiving of public comment, the Board of Selectmen unanimously wishes to convey the Town of Wellesley’s strong opposition to the application for a five unit development on Washington Street at Hillside Road.

Sincerely,



Owen Dugan
Chairman

Cc: Thomas Frisardi, Chairman Planning Board
Thomas Schnorr, Chairman WHDC