To: Board of Selectmen

Attached is the Report on Affordable Housing prepared in response to your Affordable Housing Committee Charge of May 18, 1987.

We have found that our study and debate of the issue of affordable housing with respect to the Town of Wellesley has been demanding, often frustrating, but always enjoyable. Although we worked hard to reach a consensus on our responses to your charge, as the attached Report indicates, legitimate differences of opinion among us have led several of us to prepare a minority report.

We hope the attached Report will be educational and helpful to you, to other interested boards and to the citizens of Wellesley in adopting an affordable housing policy for Wellesley in the 1990's.

February 1, 1988

Patricia Baker
Edward Bleiler
Anne Booth
Maureen Brennan
Stephen Burtt
David Chapin
Frederic Corneel
Robert Flynn
Joseph Grignaffini
Ruth Humphries
Stephen Hung
Kennard Mandell
James Mingey
Barry Monahan
Nancy Saunders, Co-Chairman
Gary Schmidt
Thomas Schnorr
Bertram Snyder, Co-Chairman
Jerome Swietnicki
Edith Tucker
Douglas Weil

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MAJORITY REPORT

SUMMARY

This Committee was formed by the Board of Selectmen for two reasons. One was to respond to the affordable housing issue raised by the Commonwealth. The other was because outside developers proposed affordable housing projects inconsistent with the character of Wellesley. These developers threaten to use the comprehensive permit process and Chapter 774 to override existing zoning. The major question debated was how to preserve the character and resources of the Town and meet the Town's responsibility with respect to affordable housing.

We believe that the choice for Wellesley is clear. The Town can either control the development of affordable housing itself or it can be controlled by developers. Developers are likely to invoke the comprehensive permit process and Chapter 774 to create projects which the Committee believes will probably be undesirable and not in Wellesley's best interests.

The State Executive Office of Communities and Development ("EOCD"), the principal state agency charged with the preservation and production of affordable housing, has made it clear that it will allocate subsidies primarily to developments receiving local support in towns that have adopted affirmative policies seeking to produce and preserve affordable housing. Only in rare instances will the State fund a hostile affordable housing development which is proposed in a town actively seeking to address affordable housing needs.

THEREFORE, A MAJORITY OF THIS COMMITTEE BELIEVES IT IS IMPORTANT FOR THE TOWN TO ADOPT A POLICY THAT AFFIRMATIVELY SEEKS TO ADDRESS THE NEED FOR AFFORDABLE HOUSING IN WELLESLEY.

To show good faith, we recommend the Spring Town Meeting create a Housing Partnership Committee to be appointed by the Selectmen. That committee will develop and implement the Town's affordable housing policy. It would be responsible to the Selectmen. Its actions would be subject to their approval, and certain of its recommendations, particularly with respect to Town land or zoning bylaw changes, would be subject to Town Meeting approval.

With respect to affordable housing in the Town of Wellesley, we recommend that:

1. The primarily single family character of the Town of Wellesley be maintained.

2. Affordable housing development conform to zoning bylaws.

3. Preference be given to developments (a) where 100% of the units count towards the State quota, (b) which are developed by nonprofit organizations, and (c) which are proposed in response to Town generated plans and specifications.

4. Development of affordable housing be in accordance with a long-range plan, and be scattered throughout the Town, with a limited number of new units built each year. The Board of Public Works' long range plans are based on an average of approximately 50 new housing units per year. A number of these new units (10-20 each year) should be affordable housing.

5. Large-scale high-rise projects be avoided.

6. Excess Town-owned land, with the exception of park and conservation land, be considered as sites for affordable housing, and that such land be leased. This may be the only way to produce affordable housing in Wellesley because of the current high prices being paid for existing houses and buildable land.

7. Whenever economically feasible, renovations of existing homes for affordable housing units be considered.

8. Any affordable housing be permanently affordable.

9. Zoning changes, such as cluster zoning, and other methods to reduce land costs for affordable housing be considered by the Planning Board and possibly recommended to the Town Meeting.

10. The 1980-81 Housing Survey be updated in a professional manner to determine the current needs for affordable housing in Wellesley. This survey should determine not only who might want to occupy affordable housing, but the type of unit required. The survey should also count all units which meet both our definition and the Chapter 774 definition of affordable housing.

11. Priority for affordable housing units be given to Wellesley residents.

12. The Town's Fair Housing Policy be respected.

In summary, the Committee believes that having an affirmative policy as summarized above which actively seeks to address affordable housing issues will enable the Town to control growth and development and to maintain its current character and resources.

BACKGROUND CONSIDERATIONS

Important economic, legal and communal considerations have made an impact on our recommendations. These considerations should be understood by all Wellesley citizens.

A. Economic Considerations

In recent years there has been an unprecedented increase in the cost of land, and, therefore, the cost of housing generally in Wellesley and in the Boston area. The average sale price of Wellesley residential property has increased from $268,000 in 1985, to $380,000 in 1987. The average asking price of all houses available in Wellesley in January 1988 was $514,000. In fact, in 1987 only six residential sales in Wellesley were made for less than $200,000 and now only one house is currently listed for sale at under $200,000. Further, there is a limited amount of land available for development. Buildable lot prices now average between $200,000 and $400,000 each.

The result is that it has become increasingly difficult and by now virtually impossible for low and middle income families to find suitable housing in Wellesley. Wellesley has in the past benefitted from the diversity in the economic level of its residents. If present trends continue, this diversity will not survive. No longer would Town employees, older citizens living on a fixed retirement income, and others be able to live in Wellesley. This situation is undesirable.

It is beyond the power of any single community in the metropolitan Boston area to reverse this trend. Nevertheless, an affirmative Wellesley affordable housing policy may make some difference, although this impact will be relatively small in meeting regional needs.

B. Legal Considerations

The Commonwealth has adopted legislative and administrative policies, upheld by the Courts, to promote housing opportunities for low and middle income families. These also include subsidies, mortgage guarantees and tax deferrals. Perhaps the most controversial is the anti-snob zoning legislation, Chapter 774, which permits developers of even partially subsidized housing to bypass a community's zoning bylaws by means of a comprehensive permit procedure.

Although Wellesley does not have a history of snob-zoning--some residential areas permit 5,000 square foot lots--the law applies to all communities where less than 10% of the housing is "affordable". Affordable is defined by Chapter 774 as only housing created with State or Federal subsidies. As of January 1, 1985, the EOCD survey of Wellesley determined that 359 units of 8586 total housing units, or 4.18%, met the State's definition of affordable housing. This is a higher percentage than that of many comparable towns.

The Committee believes that it would be desirable if Chapter 774 were amended to substitute a broader and more meaningful definition of "affordable housing", and we have recommended that the Town work toward that end (see our response to Charge 1). In

the meantime, Wellesley must live with Chapter 774 as it is. Wellesley has unsuccessfully opposed Chapter 774 development in the past (the Ardmore development on Cedar Street) and has been alarmed by several recent proposals for additional developments under Chapter 774.

The prevention of developments under Chapter 774 inconsistent with the character of Wellesley is one reason why the Town must give serious attention to affordable housing.

C. Communal Considerations

While more affordable housing is clearly a desirable objective, it is only one of many important community objectives. For example, the preservation of scarce open space, Town expenditures in an age of Proposition 2 1/2, traffic and infrastructure capacity, good schools, and public safety all deserve the most serious attention. These areas all compete for the same limited Town resources, as does affordable housing.

Our Committee believes the best way to preserve Wellesley's attractiveness is to control the development process. With respect to affordable housing, this means having an affirmative policy which, when addressing housing needs, is also mindful of other community needs, especially open space, utility capacity, and Town money. Therefore, we believe it is important that solutions to affordable housing be developed and implemented by those who live in Wellesley, and not from plans initiated and imposed by others.

RESPONSES TO SELECTMEN'S CHARGES

Set forth below are the Committee's responses to the Selectmen's charges. We have changed the order in which we have responded to improve the clarity of the report.

CHARGE 1: DEFINE AFFORDABLE HOUSING WITH RESPECT TO WELLESLEY.

Specific Response

Our definition of affordable housing includes:

(a) housing that constitutes low and moderate income housing under the guidelines of Chapter 774*; and

(b) any other housing units that are made affordable by nonfederal or nonstate subsidy or assistance for those persons having household income levels that fall within the current standards of the Massachusetts Housing Financing Agency's ("MHFA") first-time homeowner mortgage program. At the present time those standards for a first-time homebuyer are:

Single person	up to $35,000/year
Two persons	up to $40,000/year
Four persons	up to $43,000/year

General Responses

1. Our definition of "affordable" is broader than Chapter 774's narrow definition. In view of our affirmative action, we believe Wellesley officials should ask EOCD to count or ask the State Legislature to pass legislation that would count toward the Chapter 774 quota housing units that meet our expanded definition of affordable housing.

2. It is important to point out that there is a distinction between what is generally stereotyped as subsidized housing and appropriate affordable housing for Wellesley. Glen Grove and some of the Wellesley Housing Authority projects are examples of affordable housing developments which we believe are consistent with the character of the Town.

3. Chapter 774 was enacted to satisfy State and regional housing needs, even if the development of such housing were in conflict with local zoning bylaws.

*For purposes of Chapter 774, low and moderate income housing means only housing subsidized under a State or Federal program that assists the construction or substantial rehabilitation of low or moderate income housing. Under our expanded definition, housing that is made affordable through a different type of assistance or subsidy would also be counted as affordable.

CHARGE 2: ASSESS WHETHER THERE ARE UNMET NEEDS FOR SUCH HOUSING IN WELLESLEY.

General Response

The explosion in the real estate market prices in metropolitan Boston has resulted in dramatically increased residential real estate assessed valuations for FY '88, as Wellesley residents well know after receipt of their recent tax bills. Analysis of these valuations show that there are only nineteen single-family residence properties in Wellesley valued at or below the initial Massachusetts Homeownership Opportunity Program ("HOP") guideline of $110,000 for a moderate-priced subsidized unit for a family of four. Only 1% of all single-family residences in Wellesley are assessed below $150,000. In 1987 only six houses sold for less than $200,000 in Wellesley. The following chart shows the impact of soaring housing costs on affordability:

No. of Single-Family Residences in Wellesley	Wellesley Assessed Valuation as of 1/1/87
13	under $100,000
11	$101,000 - $120,000
12	$121,000 - $130,000
37	$131,000 - $150,000
73	Total up to $150,000

The total number of single-family residences in Wellesley is 7,024 units.

Specific Response

With this in mind the Committee has determined that the best mechanism to accomplish this charge is to refine, update and expand the 1980/81 Housing Survey particularly with respect to housing costs. The purpose of this survey would be to identify by number those individuals and groups who would be eligible for and interested in affordable housing, as defined, so that the focus of any solution can be directed toward those individuals and groups. For example, written input should be compiled and should include responses from Town Boards, such as the Wellesley Housing Authority, Planning Board, Council on Aging, School Department, and institutions such as churches, independent schools and the business community. The updated survey should also solicit responses from groups who seek to occupy affordable housing; this would include the elderly, Town employees and employees of local businesses and institutions. Citizens living in, or whose names are on the waiting lists for, existing subsidized housing should also be surveyed.

The survey should also count the number of existing units which meet the State and Committee's definitions of affordable housing.

CHARGE 6: IDENTIFY APPROPRIATE RESOURCES AND PROGRAMS FOR ACHIEVING WELLESLEY'S GOALS.

Three resources necessary for affordable housing are: people, land and money.

Specific Response

The Committee strongly suggests that a successor body is necessary to implement an affordable housing program for Wellesley. The Committee recommends the following guidelines and principles:

1. There should be established by the annual Town Meeting held in the Spring of 1988 a Wellesley Housing Partnership Committee (the "Partnership Committee").

2. The objective of the Partnership Committee should be to establish and work toward the implementation of a housing policy for Wellesley to meet the presently unfilled needs for affordable housing in a manner consistent with the basic character of Wellesley.

3. The Partnership Committee should consist of seven members appointed by the Selectmen.

4. The life of the Partnership Committee should be five years, unless extended by the Selectmen. The terms of the members should be staggered so that continuity is assured.

5. The funding for the first year of the Partnership Committee's operations should be adequate to pay for surveys recommended under Charge 2 (approximately $15,000), the hiring of consultants for the preparation of reports evaluating proposed projects (three reports at $5,000 each), attendance at seminars and meetings ($1,000), secretarial and other expenses ($4,000).

6. The authority and responsibility of the Partnership Committee should include:

   (a) Acting as the Local Housing Partnership under the Massachusetts Housing Partnership programs (including the HOP program).

   (b) Coordinating action and policy relating to affordable housing with all relevant Town boards and committees, the Town Meeting, and where appropriate the voters of Wellesley.

   (c) Working actively to establish an affordable housing policy for Wellesley that is responsive to its housing needs and which also takes into account relevant local factors such as impact on the infrastructure (water, sewer, electric), traffic, access to retail, recreational and transportation facilities, and the preservation of open space.

   (d) Collecting information relevant to: affordable, subsidized or low income housing, including availability of sites, applicable subsidy programs and laws and administrative policies at the State and Federal levels; housing needs of various elements of the population both locally and regionally; and relevant action taken by local educational and religious institutions and neighboring communities.

   (e) Communicating the collected information periodically to all concerned through public hearings and continuing liaison with local institutions and boards as well as State and Federal agencies.

7. The guiding principles of the Partnership Committee should be that:

   (a) New affordable housing in Wellesley be developed in an orderly manner, giving particular attention to the needs of the community as a whole.

   (b) Reasonable amounts of affordable housing be provided throughout the Town.

   (c) Quality architecture be encouraged.

   (d) The Town of Wellesley continue to be a heterogeneous community, providing housing for people with a variety of economic, religious, cultural and racial backgrounds.

   (e) Innovative financing techniques be explored to (i) provide ways to renovate existing housing and provide diversity in housing, and (ii) encourage equity participation in home ownership.

   (f) Large-scale, high-rise housing projects be avoided as contrary to the interest both of the existing community and of those to whom such housing would be made available.

   (g) An effort be made to preserve Wellesley's open space as much as possible.

   (h) Legal steps be taken to seek to assure that any affordable housing remains affordable housing on a permanent basis. This might be accomplished through deed restrictions, collateral agreements, ground leases and limited equity provisions.

General Responses

1. Any Town owned property identified for affordable housing use should be ground leased in order to retain Town control over the property and to preserve long term affordability. Builders should be selected through a competitive request for proposal process in which the Town could set the specifications.

2. The Partnership Committee should initiate and coordinate a formal planning process to coordinate/compromise the likely conflicting goals of various constituencies in Town regarding the use of such land for conservation, open space, park, playground, affordable housing or other uses.

3. Land. To implement an affordable housing program, the Committee recommends that the Partnership Committee explore the feasibility of utilizing government and institutionally owned land as the first priority. The lease of such land can significantly reduce the cost of producing housing. Such land could include (please note that the Committee has not endorsed any parcel of land):

   (a) Surplus Town Land
      (i) land not needed for conservation or recreational open space
      (ii) existing Town owned housing
         A. rehabilitate
         B. rebuild
      (iii) land with tax defaults

   (b) Air Rights over
      (i) Town land
      (ii) railroad tracks
      (iii) parking lots

   (c) State Land

   (d) Institutionally Owned Land
      (i) colleges
      (ii) churches
      (iii) independent schools

4. Money. In addition to land, the other resource needed to produce affordable housing is money. Sources could include surplus Town funds, a specific new Town tax, "Land Bank" revenue or revenues raised through impact fees from commercial developments in excess of 100,000 square feet, condominium conversions and developments of market-rate housing of ten units or more. (Please note that the Committee has not endorsed any specific program since these ideas require more study including their legal ramifications.) It should be noted that impact or similar fees on commercial developments are a method to have such

developments pay for their infrastructure costs and for the Town to control what is built.

CHARGE 5: RECOMMEND GOALS FOR MEETING ANY UNMET AFFORDABLE HOUSING NEEDS WHICH ARE COMPATIBLE WITH THE NEEDS, RESOURCES AND CHARACTER OF THE TOWN.

General Responses

1. Any affordable housing policy adopted by the Town should enable the Town to (a) manage and control the development of such affordable housing and (b) work towards satisfying the ten percent (10%) guideline of low and moderate income housing mandated by Chapter 774, both in a manner consistent with the Town's goals as articulated in the 1981 Comprehensive Plan, the 1987 Open Space Plan and the 1984 Fair Housing Plan.

2. As long as the Town fails to satisfy the ten percent (10%) guideline established by Chapter 774, it remains vulnerable to comprehensive permit applications from unsolicited developers. Whether or not a particular affordable housing development proceeds actually turns on whether or not the developer obtains financing from a Federal or State subsidizing agency. EOCD, the principal state agency charged with the preservation and production of affordable housing, has made it clear that it will allocate its subsidies primarily to developments receiving local support in towns that have adopted affirmative policies seeking to produce and preserve affordable housing. Only in rare instances does it appear that EOCD will fund a hostile affordable housing development being proposed in a town actively seeking to address affordable housing needs. ACCORDINGLY, THE COMMITTEE BELIEVES IT IS IMPORTANT FOR THE TOWN TO ADOPT A POLICY THAT AFFIRMATIVELY SEEKS TO ADDRESS THE NEED FOR AFFORDABLE HOUSING IN WELLESLEY.

Specific Response

The Town, its committees, departments, authorities and elected representatives should petition EOCD to treat all existing and future units which satisfy the Committee's definition of affordable housing as units which count toward the 10% guideline under Chapter 774. (Also see response to Charge 1)

CHARGE 4: DEVELOP FINANCIAL ANALYSIS TECHNIQUES BY WHICH TO EVALUATE AFFORDABLE HOUSING PROPOSALS.

General Responses

1. The Town, through the new Partnership Committee (see Charge 6), should develop procedures and guidelines to:

(a) Evaluate proposals. Such procedures and guidelines should enable the Town to decide: whether the Town or an affiliated nonprofit group can develop a particular affordable housing proposal itself; whether the Town should provide a Town asset, such as land or building, for affordable housing or whether the Town should use such asset for some other Town goal.

(b) Prepare requests for proposals for builders or developers, including nonprofits, for Town sponsored affordable housing. In certain situations the Town itself should generate plans and specifications.

(c) Evaluate proposals submitted by unsolicited developers.

2. Procedures and guidelines should be adopted in light of a cost benefit analysis of each proposal that evaluates at least the following impacts:

(a) The transactional/administrative costs to the Town;

(b) Any out of pocket costs to the Town;

(c) "Density" costs to the Town and neighborhoods ("density" refers to the extent to which a development complies with or is less than the minimum lot area per dwelling unit permitted as of right under the Zoning By-Law);

(d) The impact on (or costs of) necessary infrastructure;

(e) The impact on (or costs of) public works/utilities;

(f) Other advantages/disadvantages for the Town; and

(g) The overall financial feasibility of the proposal.

Specific Responses

1. The Town, through the Partnership Committee, should have available a financial expert who has the expertise to (a) analyze and evaluate unsolicited affordable housing proposals submitted by developers and (b) analyze the financial feasibility of Town-initiated affordable housing proposals.

2. Any financial analysis techniques must be consistent with the project underwriting criteria established by MHFA, EOCD and/or other pertinent State or Federal funding agencies/programs.

3. Unless the survey recommended under Charge 2 indicates an unmet need for rental units for existing Wellesley residents, priority should be given to affordable housing proposals that provide homeownership opportunities (e.g., condominiums, cooperatives, etc.) to the residents, provided there are

restrictions to ensure that such housing will remain "affordable".

4. Consideration should be given to charging "Application Fees" to pay for the cost of the work to be performed to evaluate a proposal.

CHARGE 3: DEVELOP CRITERIA FOR AFFORDABLE HOUSING WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO: SPECIFIC DIMENSIONAL CRITERIA SUCH AS DENSITY, HEIGHT, UNIT MIX, SETBACKS, ACCESS, ETC., SPECIFIC TRAFFIC AND INFRASTRUCTURAL IMPACT GUIDELINES, LEGAL AND FINANCIAL GUIDELINES.

General Responses

1. The Town should explore means of producing/preserving affordable housing that utilizes (through rehabilitation or otherwise) existing housing.

2. Affordable housing should be developed in an orderly, sensible manner giving particular attention to the needs of the community as a whole, and to the availability of suitable land and adequate Town services.

3. Affordable housing should be scattered throughout the Town; no one neighborhood or precinct should be asked to accommodate more than its reasonable share of the Town's affordable housing.

4. The Town should give preference to projects in which 100% of all units count towards the Town's ten percent (10%) guideline under Chapter 774.

5. Preference should be given to affordable housing developments that preserve the primarily single family residence character of the Town.

Specific Responses

1. Any affordable housing development in the Town should comply with the existing requirements of the Wellesley Zoning Bylaw. Since high land costs make it difficult to develop new affordable housing and high resale prices make it difficult to renovate existing housing, the Planning Board and the new Partnership Committee should work together to determine if possible changes in the Zoning By-Laws which would effectively reduce land costs for affordable housing should be recommended to the Town Meeting. The Partnership Committee should explore with appropriate authorities whether Town funds can be used to renovate existing housing.

2. The Committee feels that under certain circumstances, "cluster" zoning for affordable housing developments may be

appropriate for lots containing less than the 10-acre minimum required under current requirements of the Zoning By-Law.

3. The Town should require every developer seeking a comprehensive permit to comply strictly with the comprehensive permit process. In particular, a comprehensive permit application should be deemed not to have been submitted (and hence the strict hearing timetables required by the comprehensive permit process do not begin to run) until the application is complete. For an application to be complete, it should contain all of the items set forth in the Housing Appeals Committee Regulation at 760 Code of Massachusetts Regulations ("CMR") §31.02(2). This position is compatible with the EOCD guidelines which state that a zoning board of appeals may deny a comprehensive permit application if it is incomplete.

4. The HOP regulations at 760 CMR §37.10 provide that at least forty percent (40%) of the total number of units must be available to Low or Moderate Income Households; the local zoning board of appeals, however, has authority to reduce that number to twenty-five percent (25%); the Wellesley Zoning Board of Appeals should not reduce that percentage below forty percent (40%).**

5. Affordable housing plans should be subject to review by the Design Review Board.

6. Permitting accessory apartments under specific guidelines should be explored by the Partnership Committee and the Planning Board to be used as a method to meet the Town's affordable housing goals.

CHARGE 8: IN CONDUCTING THE STUDY THE COMMITTEE SHOULD RESPECT THE TOWN'S FAIR HOUSING POLICY OF EQUAL HOUSING OPPORTUNITY WITHOUT REGARD TO RACE, COLOR, NATIONAL ANCESTRY, AGE, SEX, RELIGIOUS PREFERENCE, OR MARITAL STATUS.

The Partnership Committee, in establishing and working toward the implementation of a housing policy for Wellesley, shall respect the Town's Fair Housing Policy of equal housing opportunity without regard to race, color, national ancestry, age, sex, religious preference, or marital status.

CHARGE 7: KEEP THE BOARD OF SELECTMEN ABREAST OF THE COMMITTEE'S PROGRESS AND SUBMIT A WRITTEN INTERIM REPORT TO THE BOARD OF SELECTMEN IN JANUARY 1988

**The Committee notes that as of the date of this report EOCD has proposed an amendment to this regulation which would require only thirty percent (30%) of the units to be available to Low Income Households and would not authorize local zoning boards of appeal to reduce that percentage.

Since its formation, the Committee has frequently communicated with the Board of Selectmen.

RESPECTFULLY SUBMITTED,

Patricia Baker	James Mingey
Anne Booth	Barry Monahan
Maureen Brennan	Nancy Saunders, Co-Chairman
Stephen Burtt	Thomas Schnorr
David Chapin	Bertram Snyder, Co-Chairman
Frederic Corneel	Jerome Swietnicki
Joseph Grignaffini	Edith Tucker
Ruth Humphries	Douglas Weil

APPENDIX A

HISTORY OF CHAPTER 774

In June of 1968, the Legislative Research Council completed a Report that found that zoning practices resulted in the effective exclusion of low and moderate income families from suburban Massachusetts housing markets. During the 1969 legislative session the House Committee on Urban Affairs considered several bills aimed at such exclusionary zoning practices. That Committee reported out House Bill No. 5429, which eventually became Chapter 774 of the Acts of 1969, commonly known as the Anti-Snob Zoning Act (codified at Massachusetts General Laws Chapter 40B, Sections 20-23).

The Anti-Snob Zoning Act mandates an expedited procedure at the local zoning board of appeals level - through the so-called "comprehensive permit process" - for proposals made by public agencies, limited dividend organizations, and nonprofit organizations for the construction or substantial rehabilitation of low or moderate income housing aided by State or Federal subsidies. A comprehensive permit is a single permit, issued by the zoning board of appeals, which incorporates all local permits required for the development of such subsidized housing (except for any conservation commission approvals required under the Wetlands Protection Act [M.G.L. c. 131, §§40-40A]). If the local zoning board of appeals denies the permit and the amount of low and moderate income housing in the town does not satisfy the statutorily mandated ten percent (10%) guideline, the applicant can appeal the denial to the Housing Appeals Committee ("HAC"), a state agency within EOCD. According to statistics reported in the March 1987 monograph "An Overview of Chapter 774: The Anti-Snob Zoning Law" prepared for the M.I.T. Department of Urban Studies and Planning, the results of 81 completed appeals to the HAC were as follows: 74 permits denied at the local zoning board of appeals level were overturned by the HAC and permits issued; the HAC upheld only 7 permits denied at the local level. In addition, the press secretary of EOCD recently reported that of 32 decisions of the HAC appealed to Superior Court, the court in every instance upheld the decision of the HAC to overturn local denials. The Anti-Snob Zoning Act thus functions as a mechanism for overriding local zoning, subdivision, building codes and other restrictions on development and allowing local decisions about the development of subsidized low and moderate income housing to be superseded at the State level. Though attacked frequently in the courts, the Anti-Snob Zoning Act has successfully withstood challenges that it is unconstitutional and violates the Home Rule Act.

The authority of a local zoning board of appeals to approve or deny a comprehensive permit application duly submitted by an eligible applicant has been sharply limited by the Massachusetts Courts. In particular, in deciding whether to issue a comprehensive permit, the board can only determine whether the

grant of the permit is "consistent with local needs" and whether any conditions the board imposes on the permit are "uneconomic". If a local board's decision does not comply with these two standards, then case law requires the HAC to overturn the local board on appeal.

Determining "consistency with local needs" requires the local board to balance the regional need for low and moderate income housing against the town's needs to protect the health and safety of the occupants of the project and residents of the town, to promote better site and building design, and to preserve open space. In Board of Appeals of Hanover v. Housing Appeals Committee, 363 Mass. 339, 367 (1973), the Court ruled that if (i) a town has not satisfied the ten percent (10%) low and moderate income housing guideline and (ii) the regional need for such housing outweighs the town's needs, "the board must override any restrictive local requirements and regulations which prevent the construction of the housing and grant the comprehensive permit. However, the municipality's failure to meet its minimum housing obligations, as defined in [M.G.L. c. 40B, §20] [i.e., the 10% guideline], will provide compelling evidence that the regional need for housing does in fact outweigh the [municipality's] objections to the proposal . . . " (underlining added).

Under Chapter 774, "uneconomic conditions" are those that make it impossible to build or operate low and moderate income housing and still realize a reasonable return, as defined by the applicable financing agency, without substantially changing the rent levels and unit sizes proposed. In appeals before the HAC, the burden is generally on the local board to prove that more stringent local requirements and regulations are necessary.

Relying on the foregoing standards, as the statistics reported above indicate, in the vast majority of cases decisions of the HAC have resulted in reversal of local board decisions denying permits and/or in relief from conditions imposed by local boards.

Thus since 1969, when the State Legislature enacted Chapter 774, the Commonwealth has had a policy of promoting the development and preservation of low and moderate income housing. That legislative policy is underscored by the administrative policy enunciated by Governor King in Executive Order No. 215, which provides that no State agency which administers discretionary development-related assistance programs may grant awards to communities which have been determined by the State Secretary of Communities and Development to be unreasonably restrictive of new housing. The State programs subject to Executive Order No. 215 include: economic development assistance; open space and recreation funds; technical assistance grants; so-called "urban systems" transportation improvements; conservation land grants; elderly housing; sewer collection system and water system grants; parking facility funds; convention center facility grants; Federal grant funds for development-related activities;

and the review of Federal grant applications for development assistance. Local aid fund reimbursements or distributions, though, are not subject to Executive Order No. 215.

CHAPTER 774 AND WELLESLEY

In 1970 a study committee delivered a report to the Board of Selectmen regarding low and moderate income housing in Wellesley. A report updating that 1970 study was submitted to the Board of Selectmen on June 23, 1981. Those prior studies appeared to focus on an assessment for the need of low and moderate income housing, identification of sites available to satisfy such a need, and identification of the Federal and State funding programs available to address that need.

Although the Committee is unaware of what actions, if any, the Town took in response to those two prior studies, Section 2.261 of the Town's 1981 Comprehensive Plan did adopt the following land use proposal for low and moderate cost residences:

"Encourage the use of limited dividend or non-profit sponsors to provide housing for low and moderate income elderly.

Proposal A - Develop a housing program based on an assessment of local need and evaluate proposals for the construction of new subsidized housing units in terms of suitability of location based on the Land Use map, character of the site, availability of utilities and fiscal impact.

Proposal B - Investigate ways, other than construction, of filling the need for low and moderate income housing (rental assistance, allowances, loans and leasing)."

In 1982, the Town faced a hostile comprehensive permit application under Chapter 774 which ultimately was resolved by a decision of the Supreme Judicial Court approving the Ardmore rental housing project on Cedar Street.

In the Spring of 1987, however, the Town suddenly appeared to face the possibility of anywhere from three to six comprehensive permit applications under Chapter 774. To date, one such application (the Albro-Wellesley Limited Partnership proposal for 20 to 56 units located at 789 Worcester Street) was submitted but subsequently withdrawn before the scheduled public hearing.

Why the sudden interest on the part of developers to undertake low and moderate income housing in the Town of Wellesley? Several reasons come to mind:

(a) There appears to be a pressing need statewide for low and moderate income housing, particularly for families.

(b) Massachusetts, particularly the greater Boston area, since 1985 has been a very hot real estate market; as a result the profit margins for developers by historical standards over the past few years have been very high.

(c) Given Wellesley's location and accessibility to public transportation, it appears to be a desirable site for low and moderate income housing.

(d) The Dukakis Administration has decided to make the development and preservation of affordable housing one of its chief priorities. As a result, the State government has established and/or funded several new programs designed to promote the development and preservation of affordable housing. For example, the Massachusetts Housing Partnership was recently formed, the HOP Program is being heavily promoted and/or funded, other EOCD initiatives and programs are being well funded, and EOCD has been actively encouraging developers over the past few years to take advantage of both those new programs and the comprehensive permit process under Chapter 774.

APPENDIX B

INVENTORY OF WELLESLEY HOUSING UNITS

Category	FY 1987	FY 1988	% Total
Single-Family Houses	6,995	7,023	83.10%
Condominium Units*	283	293	3.50%
Two-Family Houses (167 properties in 1987)	334	326	3.90%
Three-Family Houses (28 properties in 1987)	81	84	1.00%
Four-Eight Unit Buildings (20 properties in 1987)	105	101	1.20%
More than Eight Unit Buildings** (17 properties in 1987)	621	621	7.30%
Total No. Residential Units:	8,419	8,448	100.00%

*Wellesley Grn. (150) 37-65 Linden (29) 21 Westerly (17)
617 Washington (13) 63 Garden Rd. (13) Wiswall Cir. (12)
40 Seaver (11) 594 Washington (9) 2-16 Grant Ave. (11)
278-290 Linden (8) 56-58 Linden (6) 32 Linden (6)
619 Washington (4) Brook St. (4)

**50 Grove (125) 11 Highland Rd. (64) 666 Washington (45)
4-6 Cedar (36) 312 Washington (32) 608 Washington (16)
18 Weston Rd. (16) 11 Appleby Rd. (12) 62 Walnut (11)
7 Bethel Rd. (10) 2 Linden (10) 3 Linden (9)

**This includes the following Wellesley Housing Authority properties:

Barton Rd. (90) Waldo Ct. (12)
Morton Cir., Weston Rd. and River St. (133)

APPENDIX C

INVENTORY OF SUBSIDIZED UNITS

Location	No. of Units	Subsidy-Program
Barton Road	90	200-1 State
Waldo Court	12	705-1 State
Morton Circle Weston Road River Street	133	667-C Elderly State
Scattered sites (subsidy with the family not the location)	11	Section 8 - Federal
Ardmore, Cedar Street (subsidy with the location)	9 & 23 market rent	707 - MHFA State
Scattered sites (subsidy with the family not the location)	5	707 - State

Subsidized housing - privately-owned not Wellesley Housing Authority:

Glen Grove (reserved for elderly and qualified non-elderly)	125	MHFA program

APPENDIX D

LISTING OF STATE AND FEDERAL PROGRAMS

HOUSING PROGRAMS

HOP - Homeownership Opportunity Program (State)

SHARP - State Housing Assistance for Rental Production (State)

TELLER - Tax Exempt Local Loans to Encourage Rental Housing (State)

RHDALP - Rental Housing Development Action Loan Program

HIF - Housing Innovation Fund (State)

Chapter 667 - Elderly Housing (State)

Section 8 Mod Rehab (Federal)

Chapter 707 Mod Rehab (State)

Chapter 689 - Special Needs Housing (State)

Chapter 705 - Family Housing (State)

Chapter 200 - Veterans Housing (State)

GRANT PROGRAMS

MAP - Municipal Advance Program

CORE FOCUS - Commercial Residential Financing Options for Central Urban Sites

CEED - Community Enterprise Economic Development

UDAG - Urban Development Action Grant*

HODAG - Housing Development Action Grant*

CDBG - Community Development Block Grant*

CDAG - Community Development Action Grant*

SPG - Strategic Planning Grant

*Funded by Federal government, administered by the State.

APPENDIX E

TECHNIQUES TO PRESERVE AFFORDABILITY

There are a variety of ways to reduce costs so that affordable housing can be produced. Not all the cost reduction methods listed below are applicable to every project but the new Partnership Committee should encourage the Town and the developer to use each technique where appropriate.

LAND

1. Writedown of cost
2. Leasing/deferral of rents
3. Low-cost financing
4. Regulatory assistance:
   (a) density reallocation
   (b) site usage reallocation/shift to commercial
5. Developer allocation:
   (a) among projects
   (b) among products

INFRASTRUCTURE DEVELOPMENT

6. Public absorption
7. Low cost financing/deferred payment
8. Regulatory assistance
   (a) multiuse allocation
   (b) density reallocation
   (c) site usage allocation
9. Developer allocation:
   (a) among projects
   (b) among products

CONSTRUCTION

10. Low cost interim financing
11. Value engineering
12. Recurrent design analysis
13. Bulk purchasing
14. Developer allocation:
    (a) among projects
    (b) among products
15. Regulatory assistance/waiver of fees

FINANCING TECHNIQUES

16. Non-Governmental
17. Equity capital
    (a) federal tax incentives
    (b) state tax incentives
    (c) use of charitable trust
    (d) use of nonprofit developers

18. Developer/builder:
    (a) interest rate buydown
    (b) interest subsidy loans
19. Participating loans:
    (a) with low base fixed interest rate
    (b) adjustable rate with reduced maximum rate
20. Multiuse property with skewed financing among projects
21. Governmental
    (a) subsidized first mortgage
    (b) subsidized second mortgage
    (c) one-time developer grant
    (d) tenant subsidies
    (e) impact fees from other projects to affordable housing

OPERATIONS

22. Real estate tax exemption/abatement
23. Reduced management fees
24. Developer reallocation:
    (a) among projects
    (b) among products
25. Efficient purchasing/internalization
26. Resident cooperative services
27. Reserve deferrals

MINORITY REPORT

INTRODUCTION

The undersigned members of the Affordable Housing Committee disagree with the tone and specifics of the foregoing Majority Report as submitted to the Board of Selectmen. We disagree with the recommendation to set up what may become a semi-permanent committee composed of developers, builders, realtors, low income housing financial managers and other "experts" in the low and moderate income housing field. We disagree with the insulation of this semi-permanent committee of experts from responsibility to voters at the polls. We disagree with the recommendation to fund that committee with $35,000 in seed money and we disagree with the recommendation to require that committee to examine all the various neighborhoods and precincts for potential affordable housing or subsidized housing development. We have determined that the most effective method for conveying our thoughts as to the matters raised by the majority report is to prepare and publish this minority report.

We are concerned that the recommendations of the majority of the Affordable Housing Committee will increase the density and congestion in Wellesley which we hope to avoid and will bring about the very negative side effects of such an increase in density without achieving any substantive increase in the production of subsidized housing for low income people.

The majority has failed to answer the primary question addressed to the Committee which involves in effect ascertaining whether there is any need in Wellesley for low or moderate income housing and has in effect recommended that a successor Affordable Housing Committee be established and charged with the obligation of exploring whether there is any such need for low or moderate income subsidized housing and to do so on a local and regional basis. Despite having failed to provide a concrete and empirical answer to the request by the selectmen for information as to whether there is any need for such housing, the majority has seen fit to recommend that certain steps be taken to respond to the need for low and moderate income housing. Recommendations to accomplish a goal should certainly not precede a concrete definition of the problem and an equally concrete decision as to a goal.

The majority has recommended that a future committee be established to act as the Housing Partnership Committee for the Town of Wellesley. A Housing Partnership Committee is a quasi-legal entity which would constitute the contact between the Town and the State with respect to all matters involving affordable housing. Last year the selectmen voted to act themselves as Wellesley's Housing Partnership Committee and it is our opinion that the selectmen should remain Wellesley's Housing Partnership Committee. This recommendation by the majority of the Affordable

Housing Committee to strip these duties from the selectmen and to give these duties to an autonomous committee is the recommendation with which we disagree most vigorously.

The majority has recommended that the proposed future committee be substantially independent from the voters, that its membership be based upon staggered terms and that it have a minimum fixed life of five years. Only three reasons were advanced during the committee's meetings for establishing this proposed Housing Partnership Committee to show good faith on the part of the Town, to provide expertise in the development of affordable housing and to provide a committee with adequate time available to do the work anticipated by the majority. We do not believe that the Town has ever acted in bad faith in its dealings with respect to affordable housing and do not feel that a demonstration of good faith is necessary. The selectmen are Wellesley's Housing Partnership Committee for purposes of dealing with these issues and with the state and we believe that the selectmen should remain as the Housing Partnership Committee. It is certainly the ultimate in good faith for the selectmen to have themselves to act in this capacity as Wellesley's Housing Partnership Committee. We believe that the selectmen have more than enough time to devote to these matters and the addition of two new selectmen to the board will ensure that they will have even more time.

The third reason expressed by the proponents of taking the Housing Partnership Committee duties from the selectmen is a claim that a separate committee would have the expertise to handle these matters. This idea of loading the proposed Housing Partnership Committee with experts was set forth in the initial interim report presented to the public at the Affordable Housing Committee's Fall public meeting at the Middle School. It is the one reason most consistently advanced by the proponents of this proposed future committee as its reason for being. The express recommendation that the proposed future Housing Partnership Committee be filled with various experts in the real estate development field was only deleted from the final recommendation at the very last meeting of the Affordable Housing Committee. It was deleted solely so that our criticism would be diluted, but the purpose and goal of loading that Committee with experts in development and financing of affordable housing continues. We believe that the purposes, reasons and plans expressed at various meetings of the Affordable Housing Committee remain a priority of the majority and we predict that they fully intend to urge such expertise be included on the proposed future committee.

It would be wrong to have experts in real estate and development staff this committee, and have that group define the need for affordable housing, set the goals for the Town to meet, establish the procedures and methods for reaching those goals and do so without being subject to voter control or effective control by the selectmen. These are not at-will appointments by the selectmen to this committee, these are term appointments.

RECOMMENDATIONS

The undersigned members of the Affordable Housing Committee recommend that the Town adopt the following provisions set forth in the majority report.

1. The primarily single-family character of the Town of Wellesley be maintained.

2. Affordable housing development comply with zoning by-laws.

3. Preference be given to projects (a) where 100% of the units count towards the State quota, (b) which are developed by non-profit organizations, and (c) which are proposed in response to Town-generated plans and specifications.

5. Large-scale high-rise projects be avoided.

6. Only excess Town-owned land, with the exception of park and conservation land, be considered as sites for affordable housing projects, and that such land be leased.

7. Renovations of our existing homes for affordable housing units be considered.

8. Any affordable housing be permanently affordable.

11. Priority for affordable housing units be given to Wellesley residents.

12. The Town's Fair Housing Policy be respected.

We also recommend that the following principles govern any further development of subsidized housing in Wellesley.

1. Compliance with the zoning by-laws and with the procedures for obtaining a variance will assure that any impact by the development of any affordable housing units will not adversely impact the Town's infrastructure and will not unreasonably adversely impact traffic congestion and the other health and safety concerns of the Town.

2. Subsidized housing development should be by way of rehabilitation of existing structures.

3. Subsidized housing developments which utilize the comprehensive permit application process must have 100% of the units being built qualified as counting towards the 10% quota or any other applicable quota required by the provisions of G.L. c. 40B, §§20-23 or must alternatively provide for the maximum number of units permitted by law to be so qualified, whichever is greater being the requirement.

4. No Town property shall be utilized to provide for subsidized housing within the meaning of G.L. c. 40B, §§20-23 nor any Town monies expended except insofar as a proper presentation is made to the Town meeting and appropriate approval given.

5. The Zoning Board of Appeals should be urged to establish a procedure and set of forms which shall constitute the comprehensive permit application when completed and signed by a developer seeking to file under the comprehensive permit provisions of law.

6. The Zoning Board of Appeals should be urged to vigorously examine any comprehensive permit application for strict compliance with the requirements of G.L. c. 40B, §§20-23 and 760 C.M.R. §31 which provide very minimal but very important requirements that permit an intelligent examination of a comprehensive permit application.

7. The Zoning Board of Appeals should be urged to recognize that denials of such permits will be sustained on appeal if the denial was consistent with local needs and further urged to recognize that a developer who threatens the Town with a comprehensive permit application, prior to the filing thereof, loses any standing he would have enjoyed to appeal a denial to the Housing Appeals Committee.

8. The Zoning Board of Appeals is urged to recognize that it is authorized by statute and regulations to impose conditions and requirements on any project developed via the comprehensive permit application route as long as the conditions and requirements do not make the project uneconomic and as long as they are consistent with local needs. In defining the phrase "consistent with local needs" G.L. c. 40B, §20 states that:

   Requirements and regulations shall be considered consistent with local needs if they are reasonable in view of the regional need for low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing

9. The legislature and the executive branch of state government should be urged to modify G.L. c. 40B, §§20-23 and the Regulations for the Housing Appeals Committee in a number of respects including (i) lowering the 10% quota to a percentage such as 4% which more fairly reflects upon the problems faced by a town such as Wellesley which has in substance no buildable land and has never participated in the type of snob zoning which led to the enactment of the statute and (ii)

urging that all units in a HOP program be qualified for the 10% quota.

CHARGE 1: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: DEFINE AFFORDABLE HOUSING WITH RESPECT TO WELLESLEY.

A definition of affordable housing must incorporate and be limited to unmet needs for subsidized low and moderate income housing in Wellesley within the meaning of the Anti-Snob Zoning Act. The majority report neglected to incorporate an answer to that charge and has made a number of recommendations about how to satisfy Wellesley's "needs" for affordable or subsidized housing without having defined those needs as directed to do by the Board of Selectmen's Charge Two.

It has become apparent throughout these meetings that the definitions being utilized to obtain qualified individuals to buy or occupy various subsidized low or moderate income housing under the various programs which qualify developers to utilize the comprehensive permit process are definitions which permit a single individual earning up to $35,000 to qualify as well as families of four earning up to $43,000 to qualify. About half the population of Massachusetts is qualified for subsidized housing under these programs. The minority members of this Committee reject the concept that the Town of Wellesley should invest its funds or property to provide subsidies in situations where the definition of need is so broad as to embrace nearly half the population of the state.

Any definition of affordable housing should clearly be limited to housing which satisfies the 10% quota set forth in G.L. c. 40B, §§20-23 and the state regulations prepared for that subsidized housing program. The majority recommends a definition which is too broad and involves the Town building or stimulating the building of "affordable" housing which would not even qualify towards the 10% quota. The majority proposal will increase density without satisfying the Town's obligations under the Anti-Snob Zoning Act's 10% quota.

CHARGE 2: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: ASSESS WHETHER THERE ARE UNMET NEEDS FOR SUCH HOUSING IN WELLESLEY.

The majority has, as described in response to charge one above, done nothing to quantify or assess any unmet needs in Wellesley yet it has made recommendations which in essence commit the Town to participate in programs to subsidize individuals who come from a population sample broad enough to encompass approximately half of the population of Massachusetts. The information provided to the Affordable Housing Committee does not demonstrate that there are genuine unmet local needs for subsidized low or moderate income housing. The undersigned members of this Committee reject

the idea that the Town of Wellesley should subsidize people such as young, single individuals just out of college earning up to $35,000 per year.

CHARGE 3: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: DEVELOP CRITERIA FOR AFFORDABLE HOUSING WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO: SPECIFIC DIMENSIONAL CRITERIA SUCH AS DENSITY, HEIGHT, UNIT MIX, SETBACKS, ACCESS, ETC., SPECIFIC TRAFFIC AND INFRASTRUCTURAL IMPACT GUIDELINES, LEGAL AND FINANCIAL GUIDELINES.

The undersigned members of the Committee feel quite strongly that it is not logically possible to develop criteria for low or moderate income subsidized housing which satisfies the provisions of G.L. c. 40B, §§20-23 in a vacuum. The Committee has not defined any need and the Committee is not able to develop specific criteria.

It should be recognized that the zoning by-laws in the Town have developed through the years with a variety of objectives which include according to its preamble the following:

> To lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the Comprehensive Plan for the Town; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

It is not possible for this Committee to intelligently have developed any criteria for affordable housing which differs from the zoning by-laws. The recommendations by the majority of the Affordable Housing Committee to consider different changes in the zoning by-laws such as doubling the zoning density or permitting cluster zoning represent simply the ad hoc acceptance of various increases in density and deviations from zoning advocated by groups interested in developing residential real estate.

Wellesley is unique in a number of respects including the fact that it is nearly completely built and it lacks adequate open space. This has been long recognized in Town; the Natural Resources Commission, long before the question of affordable housing came up, examined this situation and made recommendations

in that regard which we feel are of critical importance in any decisions regarding any development whether it be affordable or non-affordable, subsidized or non-subsidized.

CHARGE 4: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: DEVELOP FINANCIAL ANALYSIS TECHNIQUES BY WHICH TO EVALUATE AFFORDABLE HOUSING PROPOSALS.

All affordable housing or subsidized housing development under the comprehensive permit process should count 100% towards the Town's quota. The analysis of these projects is left entirely to the subsidizing agency and is not even subject to review by the Housing Appeals Committee of EOCD. The Town should stay out of the development business itself and, other than insisting upon the maximum number of units counting towards the 10% quota, the Town should leave the financial analysis techniques to the appropriate subsidizing authorities. The Town is and should be interested in financial disclosure and honesty in the presentation.

CHARGE 5: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: RECOMMEND GOALS FOR MEETING ANY UNMET AFFORDABLE HOUSING NEEDS WHICH ARE COMPATIBLE WITH THE NEEDS, RESOURCES AND CHARACTER OF THE TOWN.

A number of general recommendations are made by the minority members of this Committee in the introduction section to this minority report but it is impossible to recommend goals for meeting any unmet subsidized housing needs while those needs remain undefined.

Certainly, the Town of Wellesley should not undertake to burden its taxpayers with the financial obligations legitimately owed by the state to provided subsidize low income housing to people in other communities. Wellesley should reject obligations being thrust upon it to subsidize housing projects with land or money. The state seeks to achieve a cheap solution from its perspective without forthrightly addressing the needs of its citizens for subsidized low income housing by forcing Towns to choose between providing land or cash or facing dramatic increases in density. The State also seeks by this program to have the neighbors and neighborhoods closest in proximity to high density developments subsidize these developments with decreases in their property values attendant upon having high density multi-unit construction in the neighborhood.

We recommend that the Town aggressively advocate on its own behalf for changes in a law which works a hardship upon an already overbuilt community such as Wellesley. We also recommend that no Town monies or properties be utilized to satisfy needs and obligations which exist but which are genuinely state obligations. We also recommend that the Zoning Board of Appeals be urged to energetically represent the Town's interest on each comprehensive

zoning permit application which is filed. Local needs which are reasonable in view of regional and local needs for low and moderate income housing together with the overriding need to protect the health and safety of Wellesley residents, whether they be in the proposed housing or not, and the need to promote better site and building design and the need to preserve open spaces should be vigorously asserted. We recommend that the Zoning Board of Appeals attach conditions, if appropriate, to any approved comprehensive permit application which do not make the construction or operation of the subsidized housing uneconomic but which do satisfy the reasonable and necessary local needs.

CHARGE 6: THE SELECTMEN HAVE CHARGED THE AFFORDABLE HOUSING COMMITTEE AS FOLLOWS: IDENTIFY APPROPRIATE RESOURCES AND PROGRAMS FOR ACHIEVING WELLESLEY'S GOALS.

Wellesley goals should simply be to accommodate subsidized low income housing which does not increase density beyond the requirements of the zoning by-laws and which maintains the primarily single family home characteristic of the Town.

CONCLUSION

There are members of the affordable housing committee and citizens in Town who genuinely and sincerely feel that efforts should be made to stimulate the development of affordable housing for low income people throughout the state. To those individuals, we urge them to recognize that the development of subsidized low income housing is an obligation and duty of the State and Federal governments. G.L. c. 40B, §§20-23 and the various regulations promulgated thereunder reflect an attempt by the state to force local communities to subsidize affordable housing projects directly with Town lands or money under the threat of paying for those subsidies indirectly by permitting developers to build more units in a given area than is wise from a zoning perspective. It is fundamentally unfair and inequitable to threaten local communities in this fashion and to ask the taxpayers of Wellesley to pay subsidies to house low or moderate income people from outside of the Town, just as it is unfair to require the taxpayers in any other Town to do so.

Those who are genuinely committed to developing affordable housing in Massachusetts should recognize that these so-called affordable housing projects do not involve providing housing for the poor. Most of the units are for the affluent and are not subsidized. The subsidized units are for single people earning up to $35,000 or small families earning up to $43,000. The ones enjoying success from these projects are developers. The losers are both the low income people and the neighborhoods.

To those who see the problem which brought this Affordable Housing Committee together as being how to deal with developers who are utilizing the comprehensive permit application process to put high

density multi-unit housing in single family neighborhoods, we urge you to see that your proposals involve the wrong approach. The recommendations of the majority will stimulate development, not retard development in each and every neighborhood or precinct.

We urge that the Board of Selectmen and the Town Meeting reject the proposals to set up any further Affordable Housing Committee or Housing Partnership Committee which is given authority to bind the Town or act on behalf of the Town as distinct from an advisory committee entitled only to make recommendations to the Board of Selectmen.

This Committee has not yet done its job and examined and defined the needs and positioned itself to make realistic and concrete recommendations. Do not permit a Committee that ultimately is composed of experts in development to define the needs for affordable housing, to set the goals and methods for achieving those goals and to then implement those methods without genuine control.

RESPECTFULLY SUBMITTED,

Edward J. Bleiler Stephen J. Hung
Robert H. Flynn Kennard Mandell
Gary E. Schmidt