

**STURBRIDGE ZONING BOARD OF APPEALS**  
MINUTES OF  
WEDNESDAY, MARCH 13, 2002

**Present:** Theophile Beaudry  
Jeff Bonja  
Pat Jeffries, Chair  
Ginger Peabody

**Absent:** Kim Adams  
Lawrence Boniface  
Laurel Buckley

**Also in Attendance** Lawrence Adams, Town Planner  
Nancy Campbell

P. Jeffries opened the meeting at 7:00 PM  
The minutes for Wednesday, February 13, 2002 were reviewed.

**Motion:** to accept the minutes of a February 13, 2002 as written, by G. Peabody

**2<sup>nd</sup>:** T. Beaudry

**Discussion:** None

**Vote:** All in favor

**OLD BUSINESS**

There was no old business conducted at this meeting.

**NEW BUSINESS**

**BRIEFING ON CHAPTER 40B CONFERENCE – Ginger Peabody**

G. Peabody attended a workshop on March 9<sup>th</sup> at Holy Cross College on Chapter 40B. She shared the following information with the Board.

Applications under Chapter 40B are subject to state building codes and safety and health issues, but not to local zoning regulations. Therefore, the Planning Board would not be involved with these applications. If proper guidelines are not followed the project application may be taken away from the town by the state. A public hearing must be scheduled within thirty days after the application has been received from the developer, no matter how complete or incomplete the application may be. If a public hearing has not been scheduled within the thirty days, the plan is approved according to the law. The Board must work in good faith and not put conditions on a project making it uneconomically feasible (yielding a 20% profit) for the developer. Should this happen, the developer could appeal to the Housing Appeals Committee (HAC).

Chapter 40B is designed for affordable or moderate housing, which is different from low-income housing. The goal for cities and towns is to reach 10% affordable housing. At present, Sturbridge had 5.22%. Only 20% of the project need be affordable housing, however the affordable housing must be dispersed throughout the project. It cannot be separate or isolated. By law, the Board could keep a unit at the moderate-income level for up to 90 years. The Board could also address the number of bedrooms, whether some units were handicap accessible and/or designed for the elderly, as well as who would have first refusal on the affordable housing. Up to 70% of the project may be set aside for residents of the Town. She explained that the public hearing process is very important. After the developer presents the plans, it is most useful to have the Board and the general public express what they

want from the project. Everything is negotiable under Chapter 40B. The Board should enlist the help of the Town Administrator, Town Planner, Board of Selectmen, Planning Board, police and fire departments, DPW, Building Inspector, Board of Health, etc. Formal negotiations are preferable, a subcommittee could meet informally and bring their findings to the Board. Some issues that are negotiable would include: sidewalks, lighting, playgrounds, open space, off site improvements and density.

The process of an application from a developer under the Local Initiative Partnership (LIP) will not include financial benefits. Technical assistance would be available to the Board. The process would be:

- The developer presents the plans to the Board of Selectmen. A letter would be sent to the state if the Selectmen feel the project would be good for the Town.
- The state would then send a letter to the Zoning Board of Appeals, who then must hold a public hearing within thirty days after giving public notice. It is strongly suggested that a formal written invitation be sent to the other town Boards and officials requesting that a representative attend the public hearing. The Board can request assistance from the Department of Housing and Community Development (DHCD). The Board would forward copies of the application to all other Boards involved.
- The Board must complete a written decision, preferably reviewed by Town Council, within forty days of the close of the public hearing. The decision should include all negotiated conditions.

A good Chapter 40B project could be accomplished through negotiations and should include: 1) a point person to coordinate the entire process; 2) a subcommittee for negotiations; 3) the Housing Authority and municipal departments; 4) careful listening to the abutter's concerns – what they want, not what they don't want; 5) an understanding of the planning issues – access, storm water management, open space, design, placement of houses; and 6) prioritization of the communities concerns.

Developers may be asked to include affordable housing within developments outside of Chapter 40B. This would be Inclusionary Zoning and is strictly voluntary on the part of the developers.

G. Peabody would like a member of the Board to be on the subcommittee drafting guidelines for Chapter 40B. She found the website <http://www.state.ma.us/dhcd/Ch40B/Default.htm> to be most helpful.

#### **CHAPTER 40B/CHAPTER 40B PROJECT; Stallion Hill – Lawrence Adams**

Developers choose Chapter 40B because it cuts out time and money and puts a project on the fast track. There are two programs: 1) LIP – Local Initiative Partnership that Selectmen must approve with the state playing a lesser role and 2) the conventional Chapter 40B. The funding sources are Massachusetts state funds or the New England Fund. Every bank in the United States would be required under the Community Reinvestment Act to put monies back into the communities where they do business. If the New England Fund were to be involved in a project, the state plays a minor role because they would not be the financing agency.

L. Adams recommended the Board create a minority subcommittee to adopt rules and regulations for procedures, processes and identifying the types of information needed from an applicant. They should also think about how they would like to put together a negotiating team. He suggested the Board have two meeting dates per month in order to keep their regular Board business separate from this type of developing. During the public hearing process, only Board members who attend every session may vote on the project. Therefore, it would be advisable to be as efficient as possible, even though no time limit exists for the public hearing process. Chapter 40B also exempts projects from town Conservation Commission requirements that exceed the state requirements and the Board of Health.

The Stallion Hill project which would be coming before the Board under the LIP Program was briefly discussed. It proposed 46 housing units consisting of 25% moderate-income housing (\$150,000 - \$175,000) with a communal

septic system. It was noted that a \$260,000 home would be considered affordable housing for the town of Sturbridge.

It was agreed that G. Peabody, P. Jeffries and J. Bonja would be on a subcommittee to create a checklist. L. Adams said he would start a library with information for the subcommittee.

**NEW BUSINESS**

Farquhar Road – multi-family dwelling to come before the Board under a Special Permit application

10 Warren Road – would the Board accept, for public hearing, a Special Permit application from Jason Hoenig to convert a single family home to a two family home in RR at their April 13<sup>th</sup> meeting. The Board agreed.

The subcommittee made plans to meet with L. Adams on Friday, March 15<sup>th</sup> at 1:00 PM.

**Motion:** to adjourn, G. Peabody

**2<sup>nd</sup>:** J. Bonja

**Vote:** All in favor

**Adjournment at 7:55 PM**