

STURBRIDGE ZONING BOARD OF APPEALS
MINUTES OF
WEDNESDAY, September 22, 2004

Present: Theophile Beaudry
Mary Blanchard
Marge Cooney
Robert Cornoni
Pat Jeffries
Ginger Peabody, Chairman
Bruce Sutter

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

G. Peabody opened the meeting at 7:00 PM and read the agenda. The minutes of September 1, 2004 were reviewed.

Motion: to approve the minutes of September 1, 2004, as amended, by M. Cooney

2nd: P. Jeffries

Discussion: R. Cornoni noted that on page five, last bullet - the words "should be" should be inserted to read "Felt more detail should be provided for the..."

Vote: All in favor

CORRESPONDENCE

Citizen Planner Training Collaborative – G. Peabody noted that Board members interesting in attending courses should notify N. Campbell.

Design Review Committee Minutes 08-24-04 – M. Cooney asked for clarification regarding the shingles proposed for the Windgate at Sturbridge project. Design Review Committee minutes stated the developer proposed 30 year asphalt shingles and the developer had referenced 30 year fiberglass shingles at the Board's 09-01-04 meeting. Steven Paquette, of Main Street Senior Housing, believed asphalt shingles would be used, but would verify that with his architect.

PUBLIC HEARING CONTINUATION – 08-18-04-1CP – COMPREHENSIVE PERMIT – MAIN STREET SENIOR HOUSING, LLC – TO PERMIT THE CONSTRUCTION OF A SIXTY-NINE UNIT ACTIVE ADULT CONDMINIUM COMPLEX CONSISTING OF 57 GARDEN STYLE AND 12 COTTAGE STYLE UNITS AT 450A MAIN STREET

G. Peabody continued the public hearing at 7:05 PM and recognized Steven Paquette, of SPL Development, who presented information relative the marketing aspect of the project as Michael Jacobs was not able to attend the hearing. M. Jacobs would be attending the September 29th meeting.

S. Paquette proposed the following regarding the market rate units within Windgate at Sturbridge –

- 52 of the 69 units would be at the market rate – photographs were provided of the front and rear elevation detail, common areas – home theatre room, café, game room, main entry vestibule and typical one and two bedroom units;
- 6 different unit types – smallest at 775 square feet (one bedroom) and the largest approximately 1,010 square feet (two bedroom) with a mix of layouts; and
- Outreach for market units – advertising in Boston Globe, cable television, various brochures

- Standard features include wall to wall carpeting and vinyl flooring – upgrades are available – hardwood, tile and ceramic flooring.

S. Paquette stated the following regarding the affordable units within Windgate at Sturbridge –

- 17 of the 69 units would be at an affordable rate – within Massachusetts under Chapter 40B these units would be available to residents earning less than 80% of the median income. S. Paquette noted that he would like to consider applicants with 70% of the median income and mentioned a 10% buffer from the State;
- The units were proposed to be staggered throughout the villa building;
- Qualifying moderate income data for Worcester area – single person household income at \$38,800 per year and double person household income at \$44,350 per year (this figure may be higher in 2005);
- Applicants must meet two tests – 1) New England Fund guidelines allowed up to \$150,000 in home equity and 2) \$50,000 in bank assets;
- Outreach for affordable buyers – an affordable housing specialist (Judith Epstein – Windgate at Salisbury) could be hired to put together a marketing plan. The developer would also talk with individuals from the local Housing Authority, Council on Aging, Fire and Police Departments. G. Peabody noted that of the 17 units, 70% may be set aside for local preference.
- A monitoring agent such as Citizens' Housing and Planning Association (CHAPA) would help secure the first group of buyers by 1) ensuring that the applications met the statutory requirement of the rules and regulations, 2) reviewing the regulatory agreement which would dictate how the developer would build and market the project, 3) attaching a deed rider to establish the sale and resale of the unit as affordable and 4) a monitoring agreement which watched how resales would be conducted and how best to maintain these units in the Town's count for affordable units with the State.

G. Peabody asked if there were questions from the public. There were none.

L. Adams referenced J. Epstein's website (www.jtereaityassociates.com) which discussed a technique for selling 40B units - a pool and a first come, first serve method. He asked S. Paquette which method would be his preference, and whether the Board could select from the two. S. Paquette stated he would use a lottery program with public hearings, applications would be issued to interested parties and once returned would be time date stamped. Under the monitoring agent, the unsold units would be sold on a rolling first come, first served basis.

G. Peabody mentioned two types of lotteries – one for local preference with the remaining units going into an open pool. Three years of previous tax returns must be provided by the applicant and they must be able to meet the monthly payment.

L. Adams stated that though the Housing and Urban Development (HUD) guidelines for Worcester County were at 80% of the median income, S. Paquette spoke of targeting 70% median income individuals. L. Adams questioned the 10% differential by asking if those individual would still be eligible to compete within the 70% timeframe. S. Paquette was not certain, but went on to discuss with the Board an offer for a deeper subsidy on potentially eight of the affordable units in exchange for containing all the affordable units within the villa building. Those eight units could be offered at a reduced cost of \$100,000 or lower and the other affordable units would be offered at approximately \$115,000 to \$125,000. This reduction in cost could be reflected in the Board's conditions of approval. S. Paquette asked that the discussion continue when both M. Jacobs and Atty. Bobrowski were present. G. Peabody asked for an increased number of affordable units as opposed to the lesser priced units. S. Paquette felt his option opened the units up to individuals who would otherwise not be able to afford the mortgage payment on a unit. He felt that 2000 Census data for Sturbridge supported this comment.

G. Peabody asked if there were questions from the public.

- Marita Tasse, Affordable Housing Subcommittee member – asked if a buyer would qualify if they could pay cash for a unit rather than opting for a mortgage. S. Paquette said they could, but a waiver may be needed.

S. Paquette stated the following regarding the Maintenance Plan for Windgate at Sturbridge –

- The concept for an age restricted community is that it be maintenance free to the buyer under the supervision of a professional management company. Maintenance elements included – lawn care (irrigation system provided), snow removal, drainage structures (inspected annually), all exterior maintenance to the buildings under a long term capital replacement program, on site check once a week to clean common areas, check egresses and lighting;
- A management company would be hired by the homeowner's association under a Board of Trustees or, if it chose to, the homeowner's association could manage the project independently;
- Condominium fees would be approximately \$150 - \$250 with a lower cost to the affordable units by using a formula dependent on the sale price. This formula could also be tied to taxes paid.
- Windgate at Salisbury used a Board of Trustees voting as follows – villa units with four members and cottage units with three members for a seven member master association. Affordable units would be represented as part of the popular vote. Decisions specific to villa and cottage units would be made by the respective group with the master association voting on issues pertaining to both style units.

L. Adams commented that though the development would be marketed as age restricted, the similar project, Windgate at Salisbury was advertised as “a very active environment” by its housing specialist, J. Epstein. However, she felt there was no distinction between this environment and any other and that it should be communicated to the community. L. Adams recognized this as an important comment relative to the traffic issue which would be taken up at the Board's September 29th meeting.

S. Paquette submitted a legal opinion to the Board supporting the validity of the project's access to the site.

G. Peabody reviewed earlier discussions of restrictions to children as residents within the project (08-18-04.) L. Adams asked if exceptions were allowed under ownership regulations for certain situations. S. Paquette felt it was a disadvantage to the owners not to allow these situations and suggested that the project was not intended to be occupied by school age children. He suggested a restriction could address this concern. L. Adams questioned whether such a restriction would be a conflict with the Fair Housing Act. The Board would clarify the issue with Atty. Bobrowski. Mark Fougere, planning and development consultant, offered that under HUD guidelines, he understood one could not discriminate in housing, however, an exception was possible when the housing was designated for residents 55 and older.

P. Jeffries expressed her concerns with rising condominium fees and M. Cooney felt a mechanism should be used to alert buyers to these rising costs. L. Adams suggested that the long term control of the fees could be gained through quality construction. S. Paquette added that a realistic assessment of the first year fee was an important function. R. Cornoni remarked that the management of the facility could have an effect on the owners. If problems developed and owners left, the expenses must be covered by less people resulting in higher condominium fees.

G. Peabody mentioned that members and staff had visited the Windgate at Salisbury project and found it most helpful. M. Cooney found the visit very instructive and encouraged other members to make the trip. S. Paquette welcomed visitors and would also provide DVDs for those unable to make the trip. L. Adams asked if the quality at Salisbury would be the same as that proposed for Sturbridge. S. Paquette stated that

it would. G. Peabody made it clear that the Board would remain neutral, get to the “hard issues” and that the Zoning Board was not a “stamped” Board.

The next meeting would be a discussion of issues relative to Safety and Infrastructure.

Motion: to continue the public hearing for Main Street Senior Housing to September 29, 2004 at 7:05 PM, by M. Blanchard

2nd: P. Jeffries

Discussion: None

Vote: All in favor

Motion: to adjourn, by P. Jeffries

2nd: M. Cooney

Discussion: None

Vote: All in favor

Adjournment at 8:08 PM