

May 27, 2015

Re: Proposed Use Variance to construct 158 single, duplex and triplex unrestricted for sale townhouse style condo units.

Dear Zoning Board of Appeals Members:

In December the Planning Board issued a letter to the Zoning Board of Appeals members, expressing concerns relative to the discussion of a use variance for the industrial zoned land at Park Central which is an agenda item on the Zoning Board of Appeals (ZBA) at tonight's May 27, 2015 meeting. I apologize that this letter is being sent on the day of the meeting.

The Planning Board acknowledged in that letter that the ZBA has the authority to grant a use variance pursuant to Chapter 174-25 of the Southborough Zoning Code however in this case the board questioned if it is appropriate to include discussion of a use variance on land being reviewed under the Chapter 40B process. And suggested to engage Town Counsel in the process and understand that Town Counsel will be there tonight. Furthermore, the Planning Board expressed concern that the circumstances of soil conditions, topography, and related substantial hardship are potentially absent from this site. The granting of a Use Variance is one of the highest zoning relieves granted.

As you know the Affordable Housing Plan recently adopted identifies goals that include:

- housing that offers various housing choices;
- creation of affordable and market-rate rental units created for older adults, families, individuals with disabilities and veterans;
- options to encourage that older adults remain in Southborough as the population ages and housing needs change;
- affordable entry-level housing sized for families;
- supports design of housing development compatible with the neighborhood context and enhances community's development patterns;
- production of permanently affordable housing units;
- Diverse housing options that include rental apartments of various sizes, duplexes, accessory apartments, cottage-style homes, multi-family homes and housing units in mixed use buildings with ground floor shops and apartments above; and
- Accessible, barrier-free ownership and rental units for handicap individuals and our aging elderly.

Multifamily for the elderly is allowed by special permit per section 174-8 in the Industrial Park District and restricts it to only 7% of the total number of one-family houses in Southborough. The town has approximately 2,832\* single family homes (per the assessors) and 182 existing over 55 units and 15 approved units not yet constructed for a total of 197 over 55 units, leaving only 1\* over 55 available for approval. In addition the average per site is a maximum of 3 units per continuous acres exclusive of wetlands.

Additionally, major residential development requires an affordable housing component requiring that a minimum of 12.5% of the total number of dwelling units be provided as affordable housing.

If the discussion of a use variance is deemed to be appropriate and one is granted, the Planning Board understands that the ZBA may impose conditions, but those conditions must not go beyond the authority of the ZBA especially in regard to residential subdivision of land and site plan which fall under the authority of the Planning Board.

Conditions could include that goals of the Affordable Housing Plan are met and while I congratulate the developer for working with the abutters and agreeing to relocate the proposed 40B with the proposed single, duplex and tri-plex units, the project could also allow for the creation of housing that offers a mix of housing choices by requiring that a portion of them be income restricted for low and moderate income households as well as units that are barrier-free and handicap accessible for our aging seniors as well as handicap individuals.

The Planning Board and Planning Department are requesting to meet with the Board of Appeals to discuss elements of the Affordable Housing Plan as it relates to possible mitigation. We could accommodate this meeting on the Planning Board agenda for June 8<sup>th</sup>, 2015. I would also suggest that the Board of Appeals consult with SHOPC to solicit their feedback.

Sincerely,

*Jennifer L. Burney*

Jennifer Burney

Town Planner

cc. Planning Board, Town Counsel

\*this needs to be clarified and confirmed.