

**Bedford Housing Partnership
Meeting Minutes
January 18, 2023 at 7:00 PM
Prepared by Jeff King
Zoom**

Attending Members: Christina Wilgren (Chair), Elena Zorn, Jacinda Barbehenn, Kim Lovy, Ellis Kriesberg, Margaret Siciliano, and Shawn Hanegan (non-voting member)

Others Present: Liz Rust (RHSO), Pam Brown (Brown & Brown), Brian DeVellis, Robert Engler (SEB Housing) and Jeff King (staff)

Call to order. Ms. Wilgren called the BHP meeting to order at 7:03 via Zoom remote participation conference call; A roll call occurred for committee members to announce their presence.

Roll call:

Yes: Ms. Wilgren (chair), Ms. Zorn, Mr. Kriesberg, Ms. Barbehenn, Ms. Lovy, Ms. Siciliano, and Mr. Hanegan.

- 1. December 6, 2022 Meeting Minutes:** Ms. Wilgren noted a few, minor, grammatical and name spelling corrections. and asked for a vote on the minutes. Mr. Kriesberg made a motion to approve the minutes with minor grammatical corrections and Ms. Siciliano seconded the motion. Votes: Wilgren - yes, Kriesberg - yes, Siciliano - yes, Sun - yes, Barbehenn - yes, Zorn - yes.

The motion carried 7-0.

- 2. Carlisle Road LIP Proposal:**

Ms. Wilgren stated that the Select Board asked the BHP to further review the Carlisle Road LIP housing proposal due to certain complications. They were 1) that the agenda did not specify that a vote for a letter of support would be taken up and that 2) there was not enough time allowed to review and deliberate the proposal nor get into the detail of a decision, so we needed to re-open the discussion and see how we can move the process forward and gain more information as well as see if we can develop a framework to increase the number of affordable units. Ms Lovy thought that there were only a limited number of areas that the BHP could discuss. How much more affordability could we expect beyond what is already offered. It seems like a good project in its current form, I am concerned that if we trying to keep jamming more and more, this might cause the developer to lose interest. Mr. Hanegan stated that the Select Board asked the BHP to re-visit the discussion as Ms. Wilgren cited-that 1) that we did not have enough information or time as it was submitted too late and 2) it wasn't posted clearly on the agenda that a decision would be made. The Select Board is looking for the BHP to weigh in on the affordability component and how that would play into the Town's long-term strategy. They would also like to see the BHP explore what the developer needs from the Town to

address the need for missing middle housing. Mr. Hanegan added that he was concerned that some people, including some abutters didn't know about the project, so the developer agreed to hold two public forums. The Select Board wants to have substantial input from the public to make sure concerns are heard. They also feel that the BHP is a very critical board in the process and it is important to get the BHP's perspective.

Ms. Lovy said that she felt there was an expectation to take a vote at the last meeting and didn't realize that it wasn't up for a vote or and that the BHP could have postponed that vote. Ms. Barbehenn asked if the agenda allowed for a vote to be taken at this meeting. Mr. King stated that yes it did allow for a vote of a letter of support. Admittedly the process was rushed at the end of last meeting. This meeting would allow for needed deliberation and that it is important that all Board members to have a chance to weigh in and have a voice in the process. In addition, Mr. King added, there was not the opportunity at the last meeting to detail the content of the letter of support and add any specific provision if desired. Mr. King added that there seemed to be two key issues coming up. First the issue regarding of whether there has been adequate public awareness and input, and the second was the possibility of adding more affordability into the project. Could a path or framework be developed? While there is an acknowledgement that the project needs to pencil out, could there be a mutual agreement of more or deeper subsidies for affordable housing in exchange for funding from the Municipal Affordable Housing Trust.

Ms. Wilgren added that it is important to note the Mr. DeVellis is a local who was born and raised here. The project offers a variety of housing styles, seeks to meet the goals for the 2019 Housing Study, has housing for seniors, and has affordable housing. She added that the project has been presented to several Town Boards, but it has been in concept only. The goal is to make this a legacy project. She asked that we work together to see if we can add additional affordable units. We are excited about the project generally.

Ms. Barbehenn said she is glad that everyone is on the same page and that we all want to see this project happen. But she was not excited about the fact that we have seen this project for over a year and not have direction from the Select Board, the Municipal Affordable Housing Trust and the Town Manager about what we as the BHP are required to ask or that we are expected to ask the developer for more due diligence at this stage. There is still time after the state Department of Housing and Community Development decision to discuss items like an agreement on more affordable units. It is not possible to get complete pro-forma at this stage. Ms. Wilgren expected to establish a subcommittee to work out a framework for more affordable housing, but only had one meeting. Not sure why it went off the rails in trying to get further communication. Mr. Hanegan stated that the fact that this project has been out there over a year is true but not that things were asked for last minute. Mr. Hanegan said remembered writing emails and seeing other emails and memos over the summer asking the developer for a meeting. We were looking for some of these questions to be answered. The part about public outreach -there was discussion early on. Then there was the part about the project being something creative. He added that he was not looking to delay the process but we need to have these questions answered and we did ask multiple times. For meetings and information.

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Ms. Wilgren said that she didn't recall the BHP in the past ever giving a letter of support to a project that was not "baked" and lacked sufficient detail where a developer would come back later with more detail. Yes, the concept has been out there a while but only more recently has it come to current configuration. She said that she would be more comfortable in voting for something that is more baked. Mr. Kriesberg stated that it would be simple to estimate what it would cost to buy down a unit from 80% AMI to say 50%. and thought that we could come up with a memo to start negotiating now. He added that he would also like to attend the public forum and speak in support of the project as part of our advocacy role for affordable housing. Ms. Barbehenn made a comment on the procedure and the Town's communication with the BHP. The BHP seems out of the loop until the very last minute. The Town has not done the due diligence prior to the process with the BHP. Ms. Barbehenn thinks the BHP is being dumped on.

Ms. Lovy stated that it took the BHP 45 minutes last minute to craft a letter of support for the 2-family zoning bylaw proposal which resulted in not leaving enough time for the Carlisle Road presentation. Ms. Lovy wished we had known that the developer had dropped the ball regarding public outreach and more affordable housing. Ms. Siciliano said that she was frustrated and was under the impression that the developer was doing the outreach to the public. In the South Road LIP, all of the public outreach to the public was done before the meeting with the BHP. She was also concerned that we were getting incomplete information that was submitted late. She added that there are some pre-steps before the project is received by the BHP and said it was her understanding that the BHP is one of the first steps in the 40B process and felt that community outreach needs to be complete before a project comes to BHP. In terms of affordability, she said she was not sure that we are all on the same page on this issue as to what this would look like and added that she is pretty comfortable with what is currently being offered. Mr. Hanegan said that the subcommittee should have communicated that it hit a stone wall. As the Board goes forward we should clarify what the 40B process is and what are the expectations of each board. We have started looking how other towns define the 40B process. Mr. King said that the BHP should develop some operating procedures that will clarify and create a better process. The fact that differences of opinion are being voiced at this meeting is why it is important to have enough time for deliberations and deciding that everyone is comfortable with. Such discussion will also help in determining how the BHP can improve the process.

Brian Devellis, developer of the Carlisle Road project introduced himself and his team of attorney Pam Brown and Robert Engler of SEB housing. Mr. DeVellis shared some documents and provided some history on the project. He said he first presented the project to the BHP in August of 2021. He outlined all of the Town boards that they met with as well as other mailings and meetings with abutters and the area neighborhood. He stated that they have been out doing public outreach and have done direct mailing to everyone on Carlisle Road. As to the BHP subcommittee, he added that we do not have a final pro-forma yet. He said that the project responds to the goals of the Comprehensive Plan and the 2019 Housing Study. The study states what the Town wants and the project tries to address that with affordable housing, starter homes, energy efficiency, rentals,

single family homes, units for seniors and housing for people to enable them to stay in Bedford where they work, Mr. DeVellis said that they also presented an economic needs study on the impact of the project on municipal services. When we came back to the BHP in November and December the goal was to get a conceptual support from the BHP and move on the next step. Mr. DeVellis also said he agreed to two public forums and on-going public input. Ms. Brown then was introduced and explained that they had responded to providing updates and corrections that the BHP asked for at the last meeting. Ms. Brown responded to some of the comments raised in the meeting, stating that this project is a LIP and a friendly 40B which is a partnership with the Town on the concept. The concept stage involves reviewing whether the project is in a good location, how many units, and type of affordability as well as project and site design. The project is not fully approved until it is approved by the Department of Housing and Community Development (DHCD) then goes to the ZBA review that approves site and construction specifications. Ms. Brown added that the project has provided a full LIP application and detail of the type and number of affordable units along with draft pro-forma and stated that the project budget as is, does not have the ability to add any additional affordable units. She asked that the Town come up with what they want to see as far as additional affordability. We are making the project as proposed, work economically. Affordable rents must be for no more than 80% average median income (AMI) for the area but priced at 70% AMI, so there is a window there already for this project. Ms. Brown said that the state is in a housing crisis. This LIP proposal responds to this along with the 2019 Housing Study and Bedford Comprehensive Plan.

Mr. Engler said that he has worked on over 170 40B projects. The problem is the huge and growing gap between affordable housing and market rate housing. That is one factor that makes it difficult to add more affordable units. Such projects are getting worse and worse even to make a project work let alone add more affordability. The problem with 40B is that you are locked to 80% AMI. A lot of towns want an affordability range from 60% to 120% but when you have to provide 25% of the units at 80% AMI the rest of any affordability would have to come from market rate unit which is near impossible. The project as proposed by Mr. DeVellis barely works with the 40B. It is very expensive to buy down rents for in perpetuity. It is a deliberate part of 40B that you don't discuss proforma until you go before ZBA and have heard all the conditions. Only then can you determine if additional affordable housing is possible. To ask for them now is like negotiating against yourself. Mr. King said that we acknowledge this a tight project. Mr. King asked if we can tighten up a letter of support requesting that there will be a commitment from the developer to come back later in to process to look at additional affordable housing opportunities and costs, which would be done toward the end of the ZBA process. From the original subcommittee meeting the priorities were 1) affordable homeownership, 2) units at 100% of AMI and 3) rental units - either more affordable or a further subsidy to get affordability further below 80% AMI. Mr. DeVellis and Ms. Brown stated that they would make such a commitment to come back to discuss at the appropriate time.

Ms. Wilgren asked about getting additional units beyond the 25%, such as 2 more units for affordable homeownership. Mr. Engler said that it would cost about \$500K - \$700K to get a unit at 80% AMI and maybe \$500K at 100% AMI. That is very expensive for two units. The community might give pushback on spending that amount of money. Ms. Brown

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said she ran some numbers. She said it would cost \$650,000 to write down a three-bedroom single family home and \$300K for a two BR townhouse. Mr. Engler added that writing down the price to 50% AMI is causing some problems around the state as these owners are paying less in condo fees. This causes resentment from market rate tenants. Ms. Siciliano asked Ms. Wilgren what she meant by “buttoned up” as we are at a different place than the South Road project. We are still early on the process. The issue is to explore but not mandate additional affordability at a future date and to continue on with the process of community outreach. Ms. Brown stated that she has not heard anything yet that the BHP is unable to support the project concept, the location, the density and the overall unit makeup. This is just a support letter, not an approval of the project. It is also appropriate to put in the letter that the developer commits to meeting with the Town and the Trust at a later date to discuss more affordability and town financial assistance.

Ms. Siciliano said that the BHP should send a letter of support for the Carlisle Road LIP project now and investigate and negotiate these other areas such as traffic, wildlife and additional affordable housing, down the road. Mr. Kriesberg made a point about community outreach. He said he considers himself a neighbor of this development and has not received any letters or information. He thought that more could be done to increase participation at the public meeting. Mr. DeVellis responded that they have not shied away from public participation and added that if anyone wanted to set up a neighborhood meeting, he would attend. He added that he has attended over a dozen formal or informal meetings and that information has been posted on their website and been well covered in the Bedford Citizen. Mr. Kreisberg said that part of the role of BHP is to advocate and to listen to people. He offered to distribute information in his neighborhood about the upcoming public meetings. Mr. Hanegan asked Mr. DeVellis if he could give out his contact information and added that the Town will publicize on the Town website and social media. Mr. DeVellis replied that he could.

Mr. DeVellis said that he would like to know where the BHP is going with this meeting tonight. He said that this is the fourth or fifth time he has come before this board and would appreciate a letter of support. We want to be good partners. Ms. Barbehenn said that the Town needs to be cognizant that it is not 100% on the developer and that the Town needs more housing. The Town needs to do more on this. She added that she was ready to move on a vote. Mr. Hanegan said that for a project of this size it is normal for the developer to do outreach. The Town is not going to ask smaller projects to do such outreach, Ms. Brown asked if this project meets BHP goal or does it not, understand that there will be more public input and process before it even gets to DHCD. Ms. Rust said that she has done a LIP process presentation to the Town several times. Understand that this is a concept plan at this point and then goes on the Select Board and they have their own comment process. There is ample time for public input process throughout the project. It is not until the project goes through the ZBA process that all of the Town asks are put on the table before the finances can be understood and the project team can say what they are able to do. Ms. Siciliano said that she was comfortable with the project and knowing that it will go through at a later date, further investigations of different levels of affordability and that there will be further outreach working with the community. I would like to propose a letter of support. Now is the time to move forward.

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Ms. Siciliano made a motion to confirm and pass a letter of support,

Ms. Wilgren said she was confused on what the financial numbers are for additional affordable housing. We have been asking what the specific costs are and what the process would be to write down the cost but have been stonewalled, yet Mr. Engler and Ms. Brown have provided some cost details this evening. Mr. Engler explained that the appropriate time to have us discussion is not now as we do not have the final pro-forma until we go through the ZBA.

Mr. Kreisberg seconded the motion. Ms. Barbehenn provided some detail to the motion. We move to reaffirm our vote from the December 7, 2022 BHP meeting. We approve, as the Bedford Housing Partnership, a letter of support for the conceptual plan presented by the Carlisle Road LIP and now before us as it seeks to address elements of the 2019 Housing Study and Comprehensive plan and we would also like at this point in time with this letter that the developer acknowledge when it comes time during the ZBA process when the numbers are more clear, that the Municipal Affordable Housing Trust get together with the developer and ZBA to work together on figuring out how much more affordability the Town can help out with in regards to this project. Ms. Siciliano concurred with the language that the project meets the goals of the BHP and the 2019 Housing Study and references the conceptual plan and that we generally like the project as proposed and encourage the developer to seek additional affordability levels and continue with community outreach efforts.

Ms. Wilgren stated that a motion was made and seconded and open for any final discussion on the motion. Mr. Hanegan stated that the for the Select Board process we will look at things somewhat differently. The BHP process has been valuable. Really the goal is to work with the development team to make the best project for Bedford, In the end we want a project that meets elements of the 2019 Housing Study, Comprehensive Plan and is amendable to the neighborhood. We should move forward cooperatively.

There being no further discussion, Ms. Wilgren proceed to a roll call vote on the motion. Votes: Barbehenn - yes, Siciliano -yes, Kreisberg - yes, Lovy-yes, Zorn –yes., Wilgren -yes. The motion carried 6-0.

3. Adjourn: Ms. Wilgren declared the need to end the meeting. Mr. Kriesberg moved to close the meeting, and Jacinda Barbehenn seconded the motion. Votes: Barbehenn - yes, Siciliano -yes, Kreisberg - yes, Lovy-yes Zorn – yes., Wilgren -yes
The motion carried 6-0.

The meeting was adjourned at 9:12 PM.