



Town of Wareham

54 Marion Road
Wareham, MA 02571

www.wareham.ma.us

November 15, 2017

VIA CERTIFIED AND FIRST-CLASS MAIL

Mr. Stephen Kaminski
Dakota Partners, Inc.
1264 Main Street
Waltham, MA 02451

RE: Woodland Cove Apartments 40B Housing Project Proposal

Dear Mr. Kaminski:

I write as the Chief Executive Officer of the Town of Wareham as that term is defined in state law and particularly in Massachusetts Department of Housing and Community Development (hereinafter "DHCD") regulations at 760 Code of Massachusetts Regulations 56.00 et seq., regarding the above-referenced matter (hereinafter "your 40B project").

I recently received a Project Eligibility Letter relating to your 40B project addressed to you from DHCD, dated September 27, 2017. The letter states that "...the project consists of 174 units, 174 of which will be affordable (80.5%)..."

The Project Eligibility Letter also states that you applied for a physical address of 3104 Cranberry Highway.

As you know, you appeared before the Wareham Board of Selectmen on June 6, 2017 to introduce your 40B project to the Town. During this appearance, you stated that your 40B project would be 40% workforce housing and 60% affordable housing, and that there would be 174 units.

Based upon these and other representations of fact you made during your appearance before the Board of Selectmen, following lengthy consultation with my fellow Selectmen and the public at large, I submitted a letter to DHCD that outlined the Town's concerns with your 40B project, consistent with our right to do so pursuant to 760 Code of Massachusetts Regulations 56.04(3), which states in relevant part that

Review and Comment Process. Upon receipt of the application, the Subsidizing Agency shall provide written notice to the Chief Executive Officer of the municipality where the Project is located, initiating a 30-day review period of the Project. During the course of the review period the Subsidizing Agency shall conduct a site visit, which Local Boards may attend, and it shall accept written comments from Local Boards and other interested parties. The Subsidizing Agency shall consider any such comments prior to issuing a determination of Project Eligibility. No determination of Project Eligibility shall be issued for a Project before the end of the 30-day review period.

Since that time, we have learned that you are seeking a revised Project Eligibility Letter from DHCD, apparently based upon significant material alterations to your original proposal, including an address change to 3102 Cranberry Highway. While you may have presented these significant

material alterations to DHCD, they have never been formally presented to me as the Chief Executive Officer of the Town of Wareham, as required by the above-cited regulation.

I have also seen email correspondence from your Project Manager, requesting information from a Town department head relating to infrastructure requirements for 120 one bedroom and 120 two bedroom apartments, notwithstanding that you have never notified us that you are now seeking 66 units more than you originally stated to us.

760 Code of Massachusetts Regulation 56.04(2) states in relevant part that

(2) Elements of Application. The Applicant shall submit an application for Project Eligibility to the Subsidizing Agency, with a copy to the Chief Executive Officer of the municipality and written notice to the Department, which shall include:

- (a) the name and address of the Applicant;
- (b) the address of the site and site description;
- (c) a locus map identifying the site within a plan of the neighborhood, accompanied of the surrounding buildings and features that provide an understanding of the physical context of the site;
- (d) a tabulation of proposed buildings with the approximate number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
- (e) the name of the housing program under which Project Eligibility is sought;
- (f) relevant details of the particular Project if not mandated by the housing program (including percentage of units for low or moderate income households, income eligibility standards, the duration of restrictions requiring Low or Moderate Income Housing, and the limited dividend status of the Applicant);
- (g) conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the approximate percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas, the approximate number of parking spaces, and the ratio of parking spaces to housing units;
- (h) a narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
- (i) a tabular analysis comparing existing zoning requirements to the Waivers requested for the Project; and
- (j) evidence of control of the site.

In the case of a Local Initiative Project (LIP), the application shall be submitted by the Chief Executive Officer of the Municipality.

To repeat, I have never been notified by you of the significant material changes to your 40B project. Accordingly, at this point in time, it is clear that in unilaterally seeking significant material changes to your 40B project to DHCD without formally notifying me, you have not complied either the notice requirements of 760 Code of Massachusetts Regulations 56.03, or the required application elements of 760 Code of Massachusetts Regulations 56.02 in several areas, including the following subsections:

- (b) address of the site
- (d) tabulation relating to the number of units and size (number of bedrooms, floor area);
- (f) details relating to the affordable percentages;

- (g) conceptual site plan drawings; and
- (h) narrative description of the buildings.

This week, I had this matter brought to the attention of the Director of DHCD's Division of Housing Development, Rebecca Frawley Wachtel, who was informed of the Town's concerns that you were seeking a new Project Eligibility Letter without presenting the Town any opportunity to re-hear your proposal, in non-conformance with the regulatory requirements cited above. I was informed that Ms. Wachtel agreed with the Town's concerns and that the process should commence afresh.

Accordingly, you are hereby notified that the Town's position is that because you have not properly complied with the requirements of 760 CMR 56.00 et seq., you must re-submit your 40B project proposal to the Town, at a future Board of Selectmen's meeting. I strongly urge you to contact my office at the number above to arrange a date for same.

I anticipate your compliance in this matter.



Peter W. Teitelbaum, Esq.
Chairman, Wareham Board of Selectmen

cc: Director Rebecca Frawley Wachtel, DHCD Div. of Housing Development
Ass't Director Catherine Racer, DHCD Div. of Housing Development
Secretary Jay Ash, Housing and Economic Development
Senator Marc R. Pacheco
Representative Susan Williams Gifford
Project Development Engineer Pamela Haznar, MassDOT District 5
Wareham Board of Selectmen
Chairman Nazih Elkallassi, Wareham Zoning Board of Appeals
Wareham Town Administrator Derek Sullivan
Wareham Planning and Community Development Director Kenneth Buckland
Chief Ray Goodwin, Onset Fire Dept.
Chief Robert McDuffy, Wareham Fire Dept.