

Pepperell Natural Resources Association

c/o 13 Bayberry Road
Pepperell, MA 01463

23 August 2007

Tina Brooks
Undersecretary for Housing and Economic Development
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

SUBJ: MassHousing Home Ownership Project PE-362, "Bayberry Estates"

Dear Ms. Brooks:

In Pepperell at the moment we have five affordable housing projects: two in early discussion, two local initiative projects (LIPs) that are widely supported, and one project at least ill-advised if not worse. We are learning first hand that MassHousing does not follow its own published guidelines and requirements, and appears to be giving rubber stamp site eligibility approvals without any attempts at verification.

The issue is a revised site eligibility application to MassHousing, and we have attached a very detailed review of the application, the process and our concerns, which include:

- Site acquisition costs, previously approved by MassHousing, include 2 unrelated parcels of land in another part of town.
- A pre-application subdivision splitting off prime frontage lots for a 73% profit is not disclosed and the original site application costs, including the unrelated parcels, are used in the application.
- Compliance with the Commonwealth's Principles of Sustainable Development (SmartGrowth) is non-existent, or fictional at best, if not fraudulent. MassHousing requires an applicant to submit a self-completed analysis, which then appears to be ignored by MassHousing. No developer in his/her right mind would ever submit an analysis indicating non-compliance. The "Bayberry Estates" analysis contains factual errors, misleading statements and claims to comply with 6 principles. We learned in early June that MassHousing intended to approve this application without, apparently, any attempt at verification. Our attached review indicates only tenuous compliance with a single principle.
- Only at our insistence did MassHousing invite the Town of Pepperell to review the revised application, and only incomplete application documents were provided for that review.
- Financial feasibility for a \$19,500,000 project is being judged on the basis of a single page undocumented, unsubstantiated pro forma.

Tina Brooks
Undersecretary for Housing and Economic Development
23 August 2007

Page 2 of 2

- MassHousing's previous site eligibility approval clearly states that if the applicant chooses to construct additional units, the applicant "will be required to submit a new Project Eligibility (Site Approval) application for review by MassHousing". After more than 12 months of sporadic comprehensive permit hearings, we gather the original (ill-advised) project has been determined to be not feasible, and is being scrapped for a materially different project involving a 55% increase in housing units and a 211% increase in site acreage. The original application, itself incomplete, has now had even more limited updates for a radically different project. There is no way MassHousing, or anyone else, can have any idea of the full scope of the changes that are being proposed, whether they are significant and whether anything of significance is omitted.
- In June 2006 local concerns were raised with MassHousing regarding lack of local input and inaccuracies in MassHousing's site inspection. In response MassHousing indicated they rely on the experience and judgment of their inspector, and even more experienced supervisor. MassHousing also indicated any inaccuracies were due to information provided by the developer, which they had no reason to believe was wrong. Not seeking local participation and assistance to verify any claims is a serious lapse in judgment, if not derelict.

Many other concerns and substantial detail are presented in the attachments

We understand very well that only the general feasibility of a project is considered at this stage, but our view is that the apparent lack of appropriate standards and absence of any enforcement of those standards results in site eligibility approval of inappropriate projects such as Bayberry Estates and transfers a huge burden of oversight to the local ZBA, town boards and commissions. In a small town such as Pepperell that means that precious resources are needlessly wasted defending against what appears to us to be simple exploitation, not a well planned and desirable affordable housing solution.

If I can answer any questions or provide additional information, I can be reached by telephone (978-433-6769), email (rgpotts@charter.net) or the above address. If desired, I can provide copies of these attachments as PDF files.

Sincerely,

Richard G. Potts
For the Pepperell Natural Resources Association

CC: Jonathan D. Witten Esq., Daley & Witten LLC