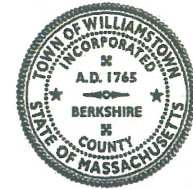


# Town of Williamstown

*Conservation Commission*  
31 North Street  
Williamstown, Massachusetts 01267



Philip R. McKnight  
Chairman  
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## **Conservation Commission Questions for the Board of Selectmen.** **August 8, 2013**

1. Is it lawful under state and federal law for the Board of Selectman (the "Board") to provide that a specific class of individuals, namely, the current and former residents of the Spruces who were residents of the property at the time of the Irene storm in August 2011, be placed in a class which permits them, and only them, to have first access to homes built on conservation land in derogation of the rights of all those who would otherwise be eligible for such affordable housing under state and federal law?

If so, provide the legal authority for your determination.

If not, provide the plan introduced, debated and decided by the Board allowing such special treatment of the Spruces' residents with an outline as to how the Board sought the involvement of Town citizens in the creation of the plan.

2. FEMA: Describe the implications of the Town's acceptance of the recent FEMA hazard mitigation grant as it affects the Board's request for use of conservation land for affordable housing.

If the "contribution" by Morgan Management to the Town of approximately \$3,000,000 occurs, are those funds available only for affordable housing on conservation land or may those funds be used for any proper municipal purpose, such as school teacher salaries, property tax reduction, capital projects involving the police and fire stations and the like, subject to ordinary Finance Committee and Board processes?

3. Does the Board have a plan, which has been proposed, debated and adopted by the Board, to provide for the affordable housing requirements of the Town and have the citizens of the Town been afforded the opportunity to be involved in the adoption of that plan.

If so, does this plan require the use of conservation land for affordable housing?

4. If the Board has adopted a plan for building affordable housing on conservation land, what type of housing does it envision? Single family units only? Flexible construction which would provide for multi-family use: singles, young families with children, older people, retired folks, one- two- three- story buildings and the like? What is the basis for the Board's decisions in this regard?

5. If conservation land were made available for affordable housing:

- A. who will pay for the construction;
- B. who will decide what the construction will look like;

C. what will be the estimated construction cost, and if more than the funds available from Morgan Management's "contribution," where will the additional funds come from:

- i. The Town's regular annual budget?
- ii. A real property tax override?
- iii. State or federal programs? Describe.

6. Has the Board explored the possibility of partially satisfying the affordable housing requirements of the Town by using the Morgan Management "contribution" to purchase existing housing properties already on the open market? What has been the result of the Board's inquiries?

7. How many people from the Spruces have confirmed that they are prepared to move to new housing on Lowry/Burbank and what will be their estimated first year out-of-pocket costs, their second and later years' costs? How many people no longer at the Spruces but otherwise eligible to move to Lowry/Burbank have stated they would return to Williamstown to take advantage of potential Lowry/Burbank housing?

8. Should the Town acquire the lands owned by Morgan Management situated along the Hoosic River, would those lands (or a portion thereof) be included in a Town Meeting warrant article transferring them to the care, custody, management, and control of the Conservation Commission? If so, how much of the Spruces would be set aside as conservation land?

9. Set forth your argument as to how Lowry/ Burbank are conservation lands no longer needed by the Town for such purposes under the specific terms of the Conservation Commission Act, G.L. 40, Sec. 8C.

10. Though some evaluation of the suitability of Lowery as a site for affordable housing has been accomplished, such is not the case for Burbank. The Conservation Commission requires a thorough analysis of both sites that clearly documents that either, or both, of the properties, or just a portion of either, are suitable for the proposed purpose.

11. Given the concern that development of Lowry/Burbank might affect water runoff on to neighboring properties, please provide an engineering analysis analyzing how abutters or nearby neighborhoods might be affected by such development.

12. The Conservation Commission must address a statutory requirement that no other alternative sites to the requested conservation properties are available for the proposed affordable housing projects. Since the Affordable Housing Trust is permitted to purchase private land, the Commission requests the Trust describe its efforts to evaluate and purchase possible sites in Williamstown, given the probable availability of FEMA grant money to assist in that process. Has a review been undertaken and completed? If so, what is the outcome? If not, when will such an evaluation be completed?

13. Set forth and analyze the local zoning laws that would apply to the development of the Lowery/Burbank properties as affordable housing?