

Jane Rossi

From: MIKE COLANERI <MCPA72@hotmail.com>
Sent: Monday, August 22, 2022 11:30 AM
To: Jane Rossi
Subject: FYI...RED ARROW DRI QUESTIONS...

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August 22,2022

MVC

Re: Red Arrow DRI

Thank you, Alex, for your reply.¹

Again, I ask, How can "spot zoning" of the SM property, be allowed under the proposal in 1998?

This proposal and the original DRI and the modifications that have been approved, never rose to the level to meet your standard of benefitting a "substantial segment of the population". It has the appearance of incremental development.

It appears that a major oversight or a slide of hand and a slick convincing of the MVC and the WT ZBA, stole the day in 1998, and allowed a commercial/industrial enterprise to be approved and used as light industrial/commercial, in an agricultural/ residentially zoned neighborhood, under the guise of a 40-B proposal, containing two separately owned parcels of land.

I believe this is called "Spot Zoning" and therefor has no legal standing and should not have been allowed. It is obvious too many that this never should have been approved, and is an obvious breach of the towns zoning laws and the 40-B subdivision control law and its guidelines.

I urge you to seek legal guidance from Mass State Housing before acting on this proposal.

A more pressing issue I have only briefly mentioned in prior emails, but have spoken to Adam Turner about at length, is the South Mountain design contribution of ?150K from a previous DRI modification , which the MVC returned to S Mountain for use with this proposal.

That means, that S Mountain has not provide any contribution to the WTAHC for any of its modification approvals.

The Red Arrow proposal and the 2900 square foot "Attainable Home" with a garage and detached bedroom, will in effect not be restricted in any lasting legal manner based on an enforceable covenant.

Simply put...It will be a "Market Rate Home" partially subsidized by "Someone", known or unknown, with no resale guidelines or income restrictions, or resale value placed on the home for future purchasers.

These four houses on three acres of this proposed subdivided lot, are in effect extending to a greater higher-density of the co-Housing 40-B subdivision, which I believe is not permissible under a 40-B previously approved plan. .

This is obviously a proposal that benefits South Mountain directly, and to a lesser degree, one small family earning up to 100% of median income in a home of less than 800 square feet.

As I have mentioned in earlier emails and correspondence, the present covenant for Co-Housing is a flawed weak document that has cost the town and the DCRHA legal fees to address an egregious covenant violation. These problems have been ongoing for years, and are yet to be resolved. The violation and legal fees are ongoing.

I urge the MVC to review all current documents and any new documents pertaining to a long term covenant, and correct any and all of the present flaws, and provide assurance to the town that any covenant will meet current town and state housing restricted covenant guidelines and criteria.

I urge you to reach out to the monitoring agent, the DCRHA, and David V who has had years of experience dealing with the covenant related problems at Co-Housing. His historic input on this proposal is key to a complete review of the Red arrow proposal and Co-Housing is very important, without this history, the issue of the 1998 Co-Housing and S M 40-B and how it was presented and approved, will leave to many questions unanswered.

I believe there are many major legal issues with any subdivision of the Co-Housing property and the creation of a newly created four dwelling units on a three-acre parcel that is not a, "Real Official" new 40-B, state reviewed and approved proposal, would be making a very bad, possibly illegal situation, worse. Co-Housing was a "One and Done" 40-B

To ignore and not answer and address these and other questions and issues, and to not obtain legal guidance for the record would be to ignore the 40-B process and the towns zoning bylaws.

Respectfully submitted for the record.

Michael Colaneri
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