

HOUSING APPEALS COMMITTEE  
Lexington Interfaith Corporation

Decision # **72-11**  
Appellant: **Lexington Interfaith Corporation**  
Appellee: **Board of Appeals of the Town of Lexington**  
Date: **August 27, 1973**  
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I. STATEMENT OF PRIOR PROCEEDINGS.

Lexington Interfaith Corporation (Interfaith) (the Appellant), a non profit corporation, on June 21, 1972, submitted to the Board of Appeals of the Town of Lexington (the Board) (the Appellee) its application for a comprehensive permit, under M.G.L. chap. 40 B, secs. 20-23, [1] to construct six attached town house dwelling units on a site, 15,527 square feet, at the corner of Hickory and Garfield Streets.

The six units, when constructed, were to be leased to low and moderate income families. The project was to be subsidized by Massachusetts Housing Finance Agency.

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[1] References to sections 20-23 may be referred to throughout this decision without repeating "M.G.L. chapter 40 B." This statute was originally enacted as chapter 774 of the Acts of 1969.

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A public hearing was held by the Board on August 1, 1972, on August 8, 1972 the Board voted to deny the comprehensive permit, and on September 15, 1972 the Board filed its written decision.

From that denial Interfaith appealed to the Housing Appeals Committee (HAC). After due notice, site view and preliminary conference, a public hearing on the appeal was held by HAC on December 13, 1972. The hearing was conducted as an adjudicatory hearing under the provisions of G.L. chapter 30 A, and the Rules and Regulations of HAC. Witnesses were sworn and full right of cross examination was afforded the parties.

Further facts will appear in a discussion of the issues to which they relate.

The major jurisdictional issue raised by the Appellee, that neither the Board nor HAC have power to override a local zoning by-law, was decided adversely to the Appellee's contention in the Supreme Judicial Court decision (the S.J.C. decision) of March 22, 1973. [2]

II. ISSUES.

Section 23 states that the appeal hearing before HAC, in the case of a denial of the comprehensive permit by the Board, "shall

be limited to the issue of whether the decision of the Board of Appeals was reasonable and consistent with local needs."

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[2] Board of Appeals of Hanover vs. Housing Appeals Committee  
Board of Appeals of Concord vs. Housing Appeals Committee  
1973  
Mass. Adv. Sheets p. 491, hereinafter referred to as the  
S.J.C. decision.

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The definition of "consistent with local needs" in section 20  
[3] and the discussion in the S.J.C. decision of the concept of  
"reasonable and consistent with local needs" indicates the  
following guidelines in resolving this issue.

First, we need not make any special inquiry as to  
reasonableness since "reasonableness" is subsumed in "consistent  
with local needs." [4]

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[3] Consistent with local needs", requirements and regulations  
shall be considered consistent with local needs if they are  
reasonable in view of the regional need for low and moderate  
income housing considered with the number of low income  
persons in the city or town affected and the need to protect  
the health or safety of the occupants of the proposed housing  
or of the residents of the city or town, to promote better  
site and building design in relation to the surroundings, or  
to preserve open spaces, and if such requirements and  
regulations are applied as equally as possible to both  
subsidized and unsubsidized housing. Requirements or  
regulations shall be consistent with local needs when imposed  
by a board of zoning appeals after comprehensive hearing in  
a city or town where (1) low or moderate income housing exists  
which is in excess of ten per cent of the housing units  
reported in the latest decennial census of the city or town  
or on sites comprising one and one half per cent or more of  
the total land area zoned for residential, commercial or  
industrial use or (2) the application before the board would  
result in "the commencement of construction of such housing on  
sites comprising more than three tenths of one per cent of  
such land area or ten acres, whichever is larger, in any one  
calendar year; provided, however, that land area owned by the  
United States, the commonwealth or any political subdivision  
thereof, the metropolitan district commission or any public  
authority shall be excluded from the total land area  
referred to above when making such determination of consistency  
with local needs.

[4] See S.J.C. decision, footnote #17 p. 514.  
Section 23 provides that the committee must decide whether the

board's denial of an application or its approval with conditions imposed was "reasonable and consistent with local needs." Since the board's decision could be reasonable only if it was "consistent with local needs" as defined by s. 20, the term "reasonable" is surplus verbiage which does not add any substance to the "consistent with local needs" standard. The word "reasonable" appears to be equated with the "consistent with local needs" standard.

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Secondly, in determining "consistency with local needs," we apply two general tests:

(1) We inquire whether any one of the three mathematical criteria set out in section 20, i.e. the 10%, 1 1/2% or 0.3% criteria has been met. If any one of these criteria has been met, we must uphold the Board's denial as "consistent with local needs."

(2) If no one of the three mathematical criteria has been met, we apply the second general test. This requires us to balance certain factors--health and safety hazards or valid planning concerns, i.e. site or building, design, or need for open space, against regional low and moderate housing needs, together with the number of low income persons in the town (See section 20, quoted in fn. 3 supra).

In making these determinations HAC is most fortunate in having available to it the carefully detailed comprehensive twenty page report signed by four of the five members of the Lexington Planning Board recommending to the Board of Appeals that this comprehensive permit be granted.[5]

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[5] The fifth member submitted a one page dissenting report. These documents, recommendations by other town officials to the Board, under section 21, letters from concerned citizens, and a verbatim transcript of the hearing before the Board, in fact the entire written record of the Board hearing, were, by agreement of the parties, made a part of HAC's record. (see TR2: 6)

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A. Consistency with Local Needs:

Is the Board's Decision Consistent with Local Needs Under Any One of the Three Statistical Criteria Set out in the Statute?

The Planning Board report clearly indicated the statistics to prove that neither the 10% nor the 1 1/2% criteria had been met. These statistics indicate that these criteria will be satisfied when 885 of the 8,855 dwelling units or 109 of the 7,245 acres of non-publicly owned land in Lexington are allocated to low and moderate income housing.[6]

The Board concurred that these two criteria had not been met.[7]

The Board's decision is silent on the third criterion, i.e. whether this application would result in construction in one year of more than 0.3% of the total non-publicly owned land in the town or 10 acres, whichever is larger.

The Planning Board Report indicates that under this criterion Lexington cannot be required to accept development of more than 22 acres in any one year.[8] This proposal covers only about 1/3 of an acre. There was no evidence of any previously approved permits that might preempt the quota. We find that this application would not exceed the 0.3% criterion set out in section 20.

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[6] Planning Board Report (attached to both the Appeal and the Answer) pages 2-3 "Maximum Guidelines"

[7] See Board's decision, finding 114 on page 3.

[8] Planning Board Report p. 3 "Annual Guidelines"

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B. Consistency with Local Needs.

Does the Town's Need to Protect the Health and Safety of the Occupants of the Proposed Housing or of the Residents of the Town, to Promote Better Site and Building Design in Relation to the Surroundings and to Preserve Open Spaces Outweigh the Regional Need for Low and Moderate Income Housing Together with the Number of Low Income Persons in the Town?

1. Regional Needs and Numbers of Low Income Persons in Lexington.

In its decision, in paragraph #7, the Board finds that in view of the proposed density of 16.8 dwelling units per acre, and the proposed wood frame construction,

"The Board finds that the need to protect the health and safety of the occupants of the proposed housing and the residents of the locality override considerations of the regional need for low and moderate income housing considered with the number of low income persons in Lexington."

It is difficult to understand how the Board could make such a finding without some comment as to the extent of the regional need and the numbers of low and moderate income persons in Lexington.

The Board did have before it at the time the very excellent report of the Planning Board which discussed these subjects in detail. And the Board did, in paragraph 3, recite the testimony relating to local needs in Lexington, without making any specific findings.

On the basis of the Planning Board Report, and the testimony of Lois Brown, the Planning Board chairman, we make the following findings with relation to regional needs and numbers of low income persons in Lexington.

Of all publicly assisted housing in the Metropolitan Boston area 70% was found in the core communities (Boston, Brookline, Cambridge, Chelsea, Everett, and Somerville), which comprise only 31% of the area's population.

The Western Submarket (a group of suburbs in the region, which include Lexington) had an estimated annual demand during the January, 1969 to January 1971 period for 600 units of multi-family publicly assisted housing.[9]

In the towns in the re-defined boundaries of the submarket these had been constructed during the last two years, under private financing, 2,026 units of multi-family housing. At the same time, only 115 units of subsidized multi-family housing had been built in this entire area of towns.[10]

There are 244 persons and 40 families in Lexington, now receiving some form of welfare assistance, and 2.1% of families are classified by the 1970 U.S.census as being below the "poverty level" (\$3,743 or less per year for a non farm family of 4).[11]

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[9] Planning Board Report (pp. 1-2) Regional Housing Needs.

[10] TR2: 59. This "area of towns," i.e. the Western Sub-Market as redefined by F.H.A, comprise Arlington, Brookline, Lexington, Lynnfield, Melrose, Newton, Stoneham, Wakefield, Waltham, Winchester and Woburn.

[11] Planning Board Report p. 2  
b. Local Housing Needs.

This 2.1% is 161 families, according to the census. Of these 161 families, 43, or a little more than one-quarter, are headed by people 65 years or older.[12]

The 1970 Planning Board Survey entitled "Subsidized Housing Program for the Town of Lexington," (Appellant Exhibit 6) proposed that there be constructed or provided 950 units of subsidized housing in the course of five years on 125 acres.[13]

Of that total, 100 units have been built, and 49 are currently under construction, all by the Lexington Housing Authority, and all for the elderly. There is no existing subsidized family housing. (TR2: 63)

The Planning Board Report refers to the 1971 Meagherville Area Study which notes on page 5: "An obvious need for housing in Lexington is for young adults and for the elderly." This was

corroborated by the testimony of Lois Brown, chairman of the Planning Board (TR2: 60-61).

The Planning Board Report also states, on page 1:

"As a residential community with substantial areas of undeveloped land, Lexington has space available to help meet the metropolitan demand for multifamily and subsidized housing, in contrast to the heavily industrialized and built-up central cities, which provide employment and services for all, but have little land available on which to build new decent housing."

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[12] TR2: 60. An analysis of this 161 families is contained in the Planning Board's supplementary letter dated August 4, 1972, attached to the Board's Decision. It is based on Account 62 in the fourth count of the U.S. census, and shows, among other data, that the 161 families comprise 593 persons which makes the average family size 3.7, slightly above the town wide average.

[13] TR2: 62. Appellant Exhibit 6, page 10.

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We find that there exist (1) a substantial regional need for low and moderate income housing and (2) a substantial number of low income persons in Lexington.

## 2. Exceptions Sought By Appellant.

In its application the Appellant sought approval of the following exceptions from Lexington's Zoning By-Law, and from the planning, design and construction standards of the Rules and Regulations of the Lexington Board of Appeals applicable to the construction of housing for persons of low and moderate income:

- a.) Approval of a multi-family town house unit that called for increased density use of the site from three to six units.
- b.) Approval of exceptions from normal set back and side yard requirements.
- c.) Approval of provision of one parking space per unit instead of 1 1/4 spaces per unit.
- d.) Approval of use of the State Building Code, BOCA code, Form STD 10, 1970, in lieu of the Lexington Building By-Law.

The Board denied each of these requested exceptions, each for different reasons. Since the Board's denial of the comprehensive permit was based in large part on its denial of these requested exceptions, we must inquire, as to each, whether it constituted such a health or safety hazard, or such a valid planning objection

(with respect to site or building design or the need to preserve open spaces), that singly or collectively these requested exceptions outweighed the regional need for low and moderate income housing.

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a.) Multi Family and Increased From Three to Six Units.

No health, safety, building, site design, or open space objection to this requested exception appears in the Board's decision, nor was any testimony to this effect produced at the HAC hearing.

Instead the Board based its refusal to allow this requested exception on its position that chapter 774 did not confer power to override local zoning by-laws. HAC disagreed with this position in its decisions in the Hanover and Concord cases [13a] and as indicated, has since been upheld by the Supreme Court.

The real reason for this requested exception was made clear in the Application to the Board, at the hearing before the Board, and at the hearing before HAC: it was just financially infeasible to conform to the zoning and density requirements and still produce units which could satisfy the requirements of the government subsidizing agency as to rent levels for low and moderate income persons and as to financial feasibility.[14]

The Planning Board Report indicates that the density of 16.8 units per acre compares favorable with the 12 to 18 units per acre permitted in the recently created RH (subsidized housing) zone, (p. 3) that the building design of six attached town houses, in effect a single building, blends with the single houses in the neighborhood, that the alternate set-back design

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[13a] Country Village Corp. v. Bd. of Appeals Hanover. HAC decision (July 13, 1971)  
Concord Home Building Corp. v. Bd. of Appeals Concord. HAC decision November 19, 1971.  
[14] Application to Board, p. 2.  
Board Minutes p. 7. TR2: 15-16.

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satisfies needs of site design and open space and that further open space is provided by the general openness of the neighborhood, p. 11-12.[15]

b.) c.) Parking Spaces and Set Backs.

The Board treated the parking and set back exceptions as requests for variances and ruled against them on the ground that no "substantial hardship" had been shown, ruling:

"The Board denies the requested variances from the zoning by-law." [16]

In an application for a comprehensive permit, a request by an applicant for relief from zoning by-law requirement is not to be treated as a request for a variance, but as a request for relief from compliance with a local "requirement or regulation" where the requirement for compliance would not be "consistent with local needs."

The standard to be applied is not whether or not compliance creates a "substantial hardship," but whether required compliance is unreasonable in balancing this factor, as a health, safety or valid planning factor under the statute, against the regional need for low and moderate income housing.

Nowhere in the testimony before the Board or HAC were the requested set back and parking exceptions attacked as health or safety hazards.

With respect to building, site design, or open space requirements, on the contrary, it was to improve these factors that the Planning Board

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[15] See also letter of approval from Lexington Design Advisory Committee which follows Planning Board Report.

[16] Board decision paragraph 6.

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suggested this alternate set-back design in the first place. [17]

The Planning Board comments on the improved parking from the alternate set-back design (see fn. 16) and says further, of the one parking space exception sought:

"One parking space per town house is minimal, but would normally serve the needs of low and moderate income families. [18]

The practical and aesthetic improvements resulting from this alternate set-back design abundantly justify the Planning Board in recommending it to the Applicant and urging its approval by the Board. [19]

d.) Lexington Building By-Law.

In dealing with the Applicant's requested approval of its use of the State Building Code in lieu of the Lexington Building By-Law, the Board properly followed the procedure indicated in M.G.L. chap. 40 B, sec. 20. The Board impliedly found that to waive the Lexington Building By-Law constituted a health or safety hazard and applied the second general test of consistency with local needs previously discussed [19a] as follows:



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- [17] Planning Board Report, p. 12.  
[18] Planning Board Report, p. 15.  
[19] See letter of Applicant to Board dated July 19, 1972, attached to Appellant's Appeal.  
See TR2: 5, and see Planning Board Report at p. 12-14.  
[19a] Supra at p. 4.  
See also sec. 20 (fn. 3 at p. 3).

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"The proposed construction with a density of 16.8 dwelling units per acre, especially of wood frame construction as proposed by the petitioner, is contrary to the Lexington Building By-Law which requires solid masonry exterior walls, and the Board finds that the need to protect the health and safety of the occupants of the proposed housing and the residents of the locality override considerations of the regional need for low and moderate income housing considered with the number of low income persons in Lexington. The Board denies the request to waive the Lexington Building By-Law." [20]

We agree that the Board followed proper statutory procedure, but we disagree with its finding because we disagree with the implied premise that waiver of the Lexington Building By-Law would constitute a health or safety hazard.

This premise is based on two deviations from the Lexington code which would be permissible under State Code (BOCA code Form STD. 10, 1970 edition),

- i.e. (1) Three-quarter hour instead of one hour fire walls between individual town house units; and  
(2) Use of wood frame construction (3rd class) instead of solid masons on exterior partitions.

These two deviations are claimed to create fire danger, which constitute health and safety hazards under the statute, of such magnitude as to outweigh the regional need for low and moderate income housing.

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[20] Board's decision, paragraph 7, page 4.

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The reason for requesting permission to use the BOCA code is made clear in the testimony of the Appellant's architect. The purpose is to bring down the building costs in order to make the project financially possible. (TR2: 15-16)

In this light the concern of the Board over tee possible use

of a three quarter hour fire wall becomes an obvious straw man. The Appellant's architect testified (and this was in effect corroborated by the Appellee's building inspector) TR2: 78-79, that the stock thickness of sheet-rock required to build a three-quarter fire wall would be adequate for a one hour fire wall. (TR2: 28-29) In fact the architect earlier stated the wall would be a one-hour wall which entailed no additional cost. (TR2: 28)

It is difficult, in view of this testimony, to justify the Board's premise that an unacceptable fire hazard will result from following the nationally accepted BOCA code that provides for a 3/4 hour fire wall which is constructed of the same materials required under the more restrictive Lexington Building By-Law for a building a one-hour fire wall.

The concern of the Board for the second difference between the two building codes presents a much different case. The use of wood frame exterior walls, the major reason for seeking to substitute

the BOCA code, admittedly presents greater fire hazard. On the other hand, requiring solid masonry exterior walls adds twenty percent to the construction cost, a difference which easily could determine whether or not the project is financially feasible. (TR2: 29-30)

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In evaluating whether the proposed deviations from the Lexington Building code constitute health and safety hazards, as the Board found, of such scale as to outweigh regional needs, we note particularly the following three considerations.

First, we take notice of the fact that the BOCA code was nationally developed, is in use in a large part of the country, and under recent legislation, is being considered as the Uniform State Code in Massachusetts. To assume that a fire safety requirement in that code is impermissibly hazardous because a local code is more restrictive, is not reasonable.

Secondly, we note that the Planning Board Report of 1970 [21] entitled "Subsidized Housing Program for the Town of Lexington" approved this design and, under "VIII Planning and Design Standards, " recommended a standard which approved "For privacy, fire and structural safety" the wood construction, the fire walls, and the use of state or federal codes.

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[21] "For privacy, fire and structural safety each dwelling within a wood frame building shall be separated from other dwellings by soundproof walls of fire-resistive construction meeting state or federal safety standards..." 1970 Report at page 12.

"The Planning Board determined that 2 to 3 story attached houses (whether in a cluster, row or other configuration), each with its own 5,000-7,000 sq. ft. lot and separated from other units by firewalls, offer more advantages per dollar

cost, such as individual ownership, inexpensive wood-frame construction, combined utility connections and reduced land costs, than any other dwelling type..." 1970 Report at page 8.

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And third, we must note that a precedent exists in Lexington for relaxing the requirements with respect to subsidized housing in the interest of economy. The building commissioner testified that in the Shirley Street 100 unit state-aided elderly housing project, permission was granted for wood-frame exterior walls front and back, and that as to the pending Waltham Street project for 49 units, "basically it is a wood frame project, class 3." (TR2: 79-81)

We find that the fire partitions and wood frame exterior walls under the BOCA code do not present fire dangers constituting health and safety hazards which outweigh the regional need for low and moderate income housing considered with the number of low income persons in Lexington.

3. Building Design, Sewer, Economic Issues.

The Board's decision, in paragraph 3 makes the following

- 1.) The petitioner failed to supply a schedule of proposed rents;
- 2.) The proposed units are intended primarily for families of young adults with one or two children, but the units are without provisions for basements or other storage space for carriages, bicycles and other equipment,

and

are not functionally designed for such families.

At the hearing Mr. Eisenberg was closely questioned as to rent schedules, cost estimates, and the pros and cons of a basement. (TR2: 19-21, 25-27, 29-32)

A blend of issues arises from these findings:

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- 1.) The question of building design, relevant under the statute on the issue of consistency with local needs,
- 2.) The economic question, leading to a possible jurisdictional issue. Are we dealing with low income housing at all? Will it be possible for the petitioner to construct this housing so that it will be economically possible to set a rent schedule low enough for low and moderate income persons and still have a financially

viable project?

The town engineer's testimony relative to the sewer was not to point out a health problem, but an economic one, i.e. that the cost of connecting to this sewer, twelve feet underground, through ledge, involving possible need for a lateral sewer line, would be inordinately expensive. TR2: 88-91, 92-95.

As Mr. Eisenberg's testimony pointed out, the question of whether or not to have a basement was purely a question of cost. (TR2: 14) He indicated that rent schedules are set by M.F.H.A. based on construction costs and estimated operating costs, that the housing was designed for low income families with young children, and that adequate storage space was designed in, without basements, (TR2: 14, 18-19) and that in his professional opinion, the project could be built within M.H.F.A. financial parameters, given the exceptions requested of the Board of Appeal. (TR2: 16)

We do not find a basement in which to store bicycles and other impedimenta of children to be a *sina qua non*. If the basement must be sacrificed to economic realities in order, economically, to achieve the

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housing at all, the basement must go. The housing as designed, follows precisely the design recommended by the Planning Board for low income families with small children. (See fn. 21, *supra*)

With respect to questions of rent schedules, cost estimates and the deeper jurisdictional issue of whether we are dealing here with low and moderate income housing at all, we note the following:

1. The Board specifically made the following finding:  
"The Board finds...that the petitioner proposes to build low or moderate income housing as defined in section 20 of chapter 40 B." [22]
2. M.H.F.A. has given tentative site approval to the petitioner and invited an application for mortgage financing [23]

As indicated in Mr. Eisenberg's testimony, questions of rent schedules, and concerns with construction costs, operating expenses, and general financial feasibility are the primary concern of the governmental subsidizing agency whose responsibility it is to provide the necessary mortgage financing and see that it is paid back.

3. In the S.J.C. opinion the court, discussing the property interest of the petitioner, made the following points:

- a.) an applicant for a comprehensive permit to build low and moderate income housing, under the statutory definition of "low and moderate income" housing (sec. 20) came under

the definition of the applicable federal or state statute.

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[22] Board decision, paragraph 1.

[23] See copy of M.F.H.A. letter, May 19, 1971, attached to "Appeal."

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b.) Since the statute (chapter 774) relied on standards set by the State or Federal funding agency, this indicated a legislative intent that the selected financing agency's property interest requirements controlled.

c.) Therefore chapter 774 does not require the applicant for a comprehensive permit to establish his property interest before the Board or HAC, although either inquire into it.

In our opinion, this reasoning applies a fortiori to any questions of rent schedules, construction costs or financial feasibility, all of which are primary concern of the subsidizing agency which maintains staff far more adequate than that available to the average Board of Appeal or to HAC to investigate these concerns. The S.J.C. opinion does not eliminate the right of a Board or HAC to inquire into these matters where a pressing

question presents itself. But, the S.J.C. opinion does provide a safe and legally defensible method for handling such matters, while vestigial doubts on the part of a Board or HAC can, as indicated in the S.J.C. opinion, be handled by conditions attached to the permit.

### III. FINDINGS, RULINGS AND ORDER.

Formal requests for findings of fact were submitted by the Appellant. Since each of these requests has been dealt with in this decision, and since, in effect, each of these requests has been allowed, no further formal action has been taken on the Appellant's requests.

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In view of our subsidiary findings and rulings, and upon a review of the whole record, under the provisions of G.L. ch. 40 B Sec. 23, the Committee rules that the decision of the Board of Appeals of the Town of Lexington was unreasonable and not consistent with local needs.

The decision of the Board is hereby vacated and the Board is directed to issue a comprehensive permit to the Appellant.

Said comprehensive permit shall provide for the construction of a housing development on the locus which is the subject of this

appeal in the approximate number of units and design as presented before the Housing Appeals Committee.

Said comprehensive permit shall be subject to the following conditions:

1. Prior to the commencement of work on the site, the applicant shall submit to the Building Inspector of the Town of Lexington the cross-sections, profiles, details and specifications required by paragraph 1(f) (1) of the Addendum to the Rules and Regulations of the Board of Appeals and the electrical, plumbing and other mechanical plans and construction details, materials and specifications required by paragraph 1 (f) (3) of such Addendum, and the Building Inspector shall have approved the same.

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2. The comprehensive permit shall grant the following exceptions from the use and intensity regulations of the RS district and the planning, design and construction standards of the rules and regulations applicable to the construction of housing for people of low or moderate income.

(a) That approval be given to the use of and compliance with the state building code of the Commonwealth of Massachusetts, Department of Public Safety Form STD-10, in lieu of the Lexington building by-law. (Form STD-10 is the 1970 edition of the BOCA code, as amended by the Board of Standards of the Commonwealth of Massachusetts.)

(b) That approval be given to the provision of a single off-street parking lot per dwelling unit, in lieu of 1 1/4 spaces per unit,

(c) That approval be given to an exception from the use and intensity regulations which will permit the building of six attached town houses on the subject site.

(d) That construction proceed in accordance with the alternate site plan submitted with Interfaith's letter of July 19, 1972.

3. If anything in the decision of this Committee would seem to permit the building or operation of such housing in accordance with standards less safe than the applicable building and site plan requirements of the Federal Housing Administration or of the Massachusetts Housing Finance Agency, the standards of whichever agency is financially assisting such housing shall control.

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4. The comprehensive permit shall provide that local officials shall carry out compliance inspections in the usual manner. Should disagreement between the builder and local officials arise, certification by the Department of Community Affairs, if requested, shall be adequate proof of compliance with any requirement under the comprehensive permit, or any of the other terms of this order.

Date: August 27, 1973

Housing Appeals Committee

Maurice Corman  
Hearings Officer

C. Wesley Dingman

William C. Ames

SUBSEQUENT HISTORY: Affirmed sub nom. Sheldon v. Ross, Equity No. 36474, Middlesex Super. Ct., September 26, 1974

End Of Decision