



The Town of Barnstable
Affordable Housing Growth & Development
Trust Fund Board
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Mark S. Ells, Chairman

Friday, June 2, 2023
Affordable Housing Growth & Development Trust Fund
Fund Board Meeting APPROVED Minutes
9:00 A.M.

Pursuant to the passage of legislation extending certain COVID-19 measures adopted during the state of emergency, this meeting was closed to the public.

Alternative public access to this meeting was provided by utilizing a Zoom link or telephone number, both provided in the posted meeting notice.

Board Member Attendees: Mark Ells, Chairman, Andy Clyburn, Mark Milne, Laura Shufelt and Wendy Northcross.

Other Attendees: Elizabeth Jenkins, Director, Planning & Development; Charles McLaughlin, Sr. Town Attorney; David Anthony, Director of Asset Management; Attorney McLaughlin, Sr. Assistant Town Attorney, Jillian Douglass, Trust Administrator, Planning & Development; and Ellen Swiniarski, Community Preservation Coordinator, Planning & Development.

Call to Order

With a quorum present, Chairman Ells called the meeting to order at 9:00 a.m. and stated that today's meeting is recorded and in accordance with M.G.L. Chapter 30A, s 20 he must inquire whether anyone is recording this meeting and to notify the Chairman that a recording is being made. No one came forward.

Member Introduction

By roll call (present): Wendy Northcross, Mark Milne, Andy Clyburn, and Mark Ells. Laura Shufelt (present at 9:10 a.m.).

Public Comment

None.

Topics for Discussion

1. Approval of minutes for the May 5, 2023, meeting.

Motion was made by Wendy Northcross and seconded by Mark Milne to approve the May 5, 2023 meeting minutes as submitted. Roll call vote: Wendy Northcross (yes), Mark Milne (yes), Andy Clyburn (yes), Mark Ells (abstains). Motion carries.

2. Trust Administrator’s Updates/Follow-Ups. Jillian Douglass, Trust Administrator

a. Residences @ 850 Falmouth Road Fair Marketing and Lottery (5/31/23)

Ms. Douglass reported that the Lottery for the Residences @ 850 Falmouth Road scheduled for May 31, 2023, will need to be postponed to June 21, 2023. She shared that the monitoring agent needs additional time before the lottery to certify the applications received and noted that there were 80 applicants with 36 of those dropped off in person.

b. Friends Or Relatives With Autism & Related Disabilities Phase 2 (FORWARD2)

Ms. Douglass reported that she and Attorney McLaughlin have been working on the draft grant agreement however it is not in a final draft form to share today. She explained there are details needed for the setting up of a new legal name that are outstanding and will be forthcoming from their attorney. She noted that FORWARD was granted all the CPA funding requested from other Towns as well as DHCD funding.

Jillian shared that the Mass Military Support Foundation, applicant for pre-development Trust funds, provided her with an update saying they are working with the property owner to obtain an ownership interest to provide the required security of Trust funds, and reported they are also working with an architect engineer.

3. Planning & Development Updates. Elizabeth Jenkins, Director of Planning & Development

Elizabeth Jenkins, Director of Planning & Development, reported that there are no significant updates on Affordable Housing to share since the last Trust meeting. She confirmed that the hiring process for the vacant Housing Coordinator position is ongoing. She noted a residential development report that is posted on the Town’s Housing webpage that tracks housing units since 2007 and includes the various stages of permitting and levels of affordability for units. She said the report is updated quarterly and offered to send a link to the report.

4. Update on Development of Town Properties for Affordable Housing.

David Anthony, Director of Asset Management, reported there are no substantial updates since the last Trust meeting. He noted internal meetings for moving ahead on properties previously communicated and reflected in the meeting minutes. Elizabeth Jenkins reported that an RFP had been issued for land behind the Senior Center, however no responses to the RFP were received. Elizabeth explained that the RFP will likely be retooled to include some site planning services to be taken on by the Town to move the project forward. Wendy Northcross asked if there is any ability for the Town to look at privately-owned underutilized sites for affordable housing. Elizabeth Jenkins noted that they have been figuring out where in Town there are spaces with feasibility for affordable housing that do not have zoning in place to fully support residential build out. She explained that most of these spaces are probably covered by the Highway Business zoning district which had been amended to permit residential development. She explained that there are areas of town, such as West Main Street, with a lot of underutilized properties that with minor zoning tweaks, could substantially increase potential for residential development. Elizabeth noted that the Route 132 area is a bigger discussion that is outside the current bounds of the Local Comprehensive Plan (LCP) and is hoping that is one of the issues that the LCP Committee will take up at the beginning of the next phase.

Laura Shufelt offered that the Trust could issue an RFP seeking property that the Trust could purchase noting the limitation of a public entity to pro-actively approach owners directly. She explained that if CPA source funds are used for acquisition, it is exempt from 30B requirements, however all the units would be required to meet 100% AMI or below. She said that a lot of Affordable Housing Trusts use RFPs in this way, noting her reluctance to bring this forward given the real estate market rise in costs for acquisition. Laura said there are empty buildings that could be reused, but the first step would be to issue an RFP seeking a response from owners of these properties.

5. Topics for Future Meetings/Agendas

- a. Possible Discussion of Partnering with Barnstable Housing Authority (BHA) for Development of BHA-Owned Sites

Ms. Douglass shared that Lori Finton of BHA had met with her and Elizabeth regarding parcels that the Barnstable Housing Authority own. She said that BHA is performing an internal review of various sites that have capacity for expansion or new development and reached out with a particular parcel in mind to explore resources available. Jillian noted that they could apply to the Trust of the Community Preservation Committee for funding but asked if the Trust had interest in working more closely with BHA regarding development of their parcels.

Laura Shufelt explained that under her other hat she is working with BHA to dispose of a parcel to a developer and noted limitations. She explained the BHA is a separate public entity that is subject to all the public construction rules as well as state and federal laws that do not allow any additional public housing units to be added unless the BHA is not receiving a subsidy for the units. BHA cannot expand any of their properties to add more public housing; the only way BHA can develop is with private money and they would be subject to all the public construction rules which adds about 40% to costs. BHA would also need the capacity to act as developers to do that. BHA can sell their land with EOHLIC's permission, but it must be for affordable housing purposes. Laura explained that she thought it was important to lay the groundwork because there are misconceptions as to what BHA can do, noting that partnering with the town in any kind of public agreement would further complicate it. The Trust can fund a housing development that a developer proposes on BHA land, however it is complicated.

Andy Clyburn said it is good to have ongoing discussion with BHA and to keep the lines of communication open. He referred to a breakdown of communication that occurred a year ago where BHA sold a parcel for the development of affordable housing to a developer and then the developer applied for open space CPA funds to protect it as open space instead, although ultimately it was unsupported by CPC. There was further discussion regarding what had been articulated at the CPC meeting for the application for open space funds to purchase the BHA parcel in that it would allow BHA to build affordable housing elsewhere and consideration of Laura's input on BHA's limitations to be able to do that. Laura said she is aware of the parcel in question and noted that the parcel had been given to BHA by the town for affordable housing and this was reflected in the town warrant, however, did not know if there were restrictions, noting if DHCD or the state had in interest, it would have been required to be used for affordable housing. Mark Ells noted other instances where a lack of communication resulted in lost opportunities to retain the affordability of units. Wendy Northcross said she thought it would be valuable for all the housing interests in town to meet once annually.

- b. Possible Discussion of Potential for Future Funding for Buy-Down Program – Process and/or Waiver of Applications.

Ms. Douglass explained that the purpose of the buy down funds appropriated to Planning and Development in 2017 is to preserve units with affordable housing deed restrictions that are being sold at prices that are not affordable to a person making 80% AMI. The buy down program is an opportunity for CPA to subsidize the purchase price to preserve the unit as affordable which if not sold to a buyer meeting the 80% AMI or below could be sold at market rate and lost as an affordable unit. Most recently a HAC unit had a \$30,000 gap between what the maximum resale price could be and what would be affordable to a person making 80% AMI, buy down funds were used to preserve this unit as affordable. She noted that the 2017 appropriation is running low and is seeking guidance on replenishing the buydown fund. Elizabeth noted that there was a bucket created in the original NOFA for this but would like to ensure that the Trust validates that funding is available through the Trust for administration. Mark Milne explained that the 2017 CPA appropriation was to Planning & Development and the Trust has no role in the expenditure of those funds. However, those funds will expire soon leaving the town with no funding for that type of program. Mark said Planning & Development could go back to the CPC for another appropriation, or the Trust could use the funding they already have with a sign off from Mark Ells.

Mark Ells noted upcoming review of the strategic plan in August with a priority for affordable housing. He asked if there is anything the Trust should carry through to the Town Council in efforts to support affordable housing. The Trust's opportunity for the next two years is coming up in August and he asked members to look at the strategic plan for input. He said that there will be discussion on the more proactive powers of the Trust that will be brought back to the Trust for feedback.

6. Matters Not Reasonably Anticipated by the Chair

Laura Shufelt shared that she gave a presentation to the Barnstable County Home Consortium on local housing preference and although it may or not be translatable, she offered to share the PowerPoint. Laura shared that Mass Housing Partnership is running a virtual and in-person Housing Institute on June 14 and 15. The in-person session is in Devens, MA and is \$50 per participant with scholarships available. She noted that the in-person session is very hands-on training, and the virtual session includes counting of units for inclusionary zoning.

7. Next Meeting Dates – First Friday of each month at 9:00 a.m. (July 7, 2023)

Chair Ells confirmed the next Trust meeting date of July 7, 2023, 9 a.m. He noted that he may not be able to attend this meeting.

Adjournment

Motion to adjourn was made by Wendy Northcross and seconded by Laura Shufelt. Roll call vote: Wendy Northcross (yes), Mark Milne (yes), Laura Shufelt (yes), Andy Clyburn (yes) and Mark Ells (yes). Meeting adjourned.

List of documents/exhibits used by the Board at the meeting:

Exhibit 1 – Affordable Housing Growth and Development Trust Fund Board Agenda 6/2/2022.

Exhibit 2 – Draft minutes for the 5/5/2023 Affordable Housing Growth and Development Trust Fund Board meeting.

Exhibit 3 - Memorandum from Jillian Douglass, Trust Administrator– Updates to the Affordable Housing Trust Board Members

Respectfully submitted,
Ellen M. Swiniarski
Community Preservation Coordinator
Planning & Development