# The Town of Barnstable

**Affordable Housing Growth & Development**
**Trust Fund Board**
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**Mark S. Ells, Chairman**


## Friday November 14, 2025
## Affordable Housing Growth & Development Trust Fund
## Board Meeting Minutes
## 9:00 A.M.

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, Andy Clyburn, Mark Milne and Laura Shufelt.

**Other Attendees:** Jillian Douglass, Trust Administrator, Planning & Development; Corey Pacheco, Senior Planner, Planning & Development; Jan Kendrick, Assistant Town Attorney, Ellen Swiniarski, Community Preservation Coordinator, Planning & Development. Special Counsel, Attorney Robert Galvin, Jr.; Dennis and Deb Mason of Seashore Homes, Inc.

**Call to Order**

With a quorum present, Chairman Ells called the meeting to order at 9:03 a.m. and stated that today's meeting will be recorded and rebroadcast via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Video on Demand section on the Town of Barnstable's website. In accordance with MGL Chapter 30A, s. 20, the Chair will inquire whether anyone else is recording the meeting and, if so, please make your presence known. No one came forward.

**Member Introduction**

By roll call (present): Mark Ells (present), Laura Shufelt (present), Andy Clyburn (present), Mark Milne (present).

**Public Comment**

None.

**Topics for Discussion**

1. **Initial Review – New Development Funding Application – Seashore Homes, Inc., 83 Main Street, Hyannis -** Seeking $150,000 towards construction and site development costs for the deed-restriction of two (2) 1-bedroom apartments to be Affordable to 65% AMI within the remodel of an existing 4200 gross square foot main building and construction to create eight (8) new 1-bedroom/1-bath apartments, and two (2) new 2-bedroom/1.5 bath townhouses, and four (4) new 2-bedroom/1.5 bath duplex buildings. Total of 18 new units (25,024 sf floor area).

Ms. Douglass confirmed that the application is not complete, saying that the proforma is not included. She explained that the application is unique because there is mention of a request for predevelopment funds. Dennis and Deb Mason of Seashore Homes, Inc. explained the application for funds in support of development and redevelopment of the Aiken and Aiken Law Firm property at 83 Main Street noting that the property is located near the hospital and downtown area. They shared that they own a nearby property at 63 Main Street that they also redeveloped three years ago and said that the proposed design will be like that development which reflects the character of the community. Mr. Mason said that they have built 80-90 units in the community and want to continue to do a good job, saying they intend to own and manage this property. He explained the layout of the development with the ca 1935 main house to be converted to eight one-bedroom units, one to be ADA compliant, and 2 new two-bedroom duplexes to be built, noting that all units will have full kitchens and washers and dryers. Mr. Mason said they were unsure about whether the predevelopment fund request included in the application was something they would be eligible for. He said that all the rents are voluntarily below market rate with the one-bedroom units at $1,800 and two-bedroom units at $2,300. Ms. Mason said that they have found that if they maintain affordability, they have good tenants with very little turnover.
Chair Ells noted that Laura Shufelt lost connection to the meeting, however a quorum was maintained.

Chair Ells questioned whether the proponents should have started with a request for predevelopment funds from the Trust. Ms. Douglass confirmed that typically a predevelopment application would precede a development application and would come in before construction began, noting that the units are well along in construction. Ms. Douglass said that the funds are needed to permanently restrict the rent on the affordable units.

Laura Shufelt returned to the meeting and Chair Ells provided an overview of the discussion she had missed. Ms. Shufelt questioned if the requested funds were for the two requisite inclusionary units or two additional units beyond the requirement saying that the Trust only subsidizes units above the inclusionary units. Attorney Galvin explained to the Masons that the funds are considered a grant and that a grant agreement and a note with no payments to be forgiven in 30 years if affordability is maintained would be executed. He said that a mortgage is also recorded that would be subordinate to all other financing and a restriction would also be recorded for the affordable units. Attorney Galvin said that there is usually a period of 10 years that will be outlined in the grant agreement where the proponent is asked not to sell the property.

Mr. and Mrs. Mason confirmed that they are asking for $150,000 for two additional units at 65% AMI beyond the inclusionary units for a total of $300,000. Chair Ells said that this request will need to be clarified in the application and that predevelopment funds would not be available because construction is well underway. Ms. Douglass clarified that 65% AMI is required for inclusionary units, however, up to 80% AMI could be proposed for the two additional affordable units and still be eligible. Laura Shufelt noted that the application needs a proforma and other missing information and it was decided that the application will be modified and brought back to the Trust board for consideration. Mark Milne asked if during the refining of the application, consideration could be given to applying the affordability to a two-bedroom unit noting that the need for affordable two-bedroom units in the community has been determined.

2. **Continued – Zoning Board of Appeals (ZBA) Special Permit 2025-013, Condition #11 – "Affordable Residences" –** Ten (10 additional affordable deed-restricted apartments at 35 Wilkins Lane, Hyannis, via ZBA/Development of Regional Impact review with Wilkens Lane Properties LLC (a.k.a. Hanover 2/New England Development).

Ms. Douglass reported that the first meeting with the proponent has been scheduled for Friday, November 21, 2025, and asked the board if there were any additional concerns they would like to relay. Andy Clyburn expressed concern regarding the significant delta for the proponent's per unit ask, especially after just reviewing a smaller project that is staying within the Trust's $150,000 per unit cap. Laura Shufelt explained that the Trust does not grant net present value that they had proposed and correction of this as a starting point should allow some room to come up with a viable application. There was discussion about the ZBA condition that was created in response to public input at the hearings. Attorney Galvin said it is his opinion that the proponent is required to make an effort to get the Trust to contribute funds to support the provision of more affordable units, however their request did not meet the Trust parameters. Chair Ells asked Corey Pacheco, Senior Planner, to relay that the ZBA should be informed of the Trust's criteria in order to provide future conditions of approval with teeth; Laura Shufelt agreed to assist in supporting that effort.

3. **Planning and Reporting Updates/Potential Actions –** Staff
    a. **Amendment to 2020 Declaration of Trust –** Signatures and Recording.

Ms. Douglass reported and Attorney Galvin confirmed that the Amendment is finalized and ready for signatures by a majority of the board, saying that three signatures are adequate. Laura Shufelt said she would be in the office and available to sign on Friday November 21, 2025. Chair Ells stepped out of the meeting. Andy Clyburn began chairing.

    b. **Trust End-of Fiscal Year Report to Community Preservation Committee –** Revised draft, pending approval

Ms. Douglass said that the report was amended after review by town legal staff and Attorney Galvin. The amended report is ready for Chairman Ells to sign.

    c. **Project Updates**
        i. **268 Stevens St. – HAC/CommonWealth Builders –** Approvals required for signature of final legal documents – Trust Special Counsel Attorney Robert Galvin

Attorney Galvin said that all the documents have been worked through and sent to Town Legal Department for signatures with an expected closing date of Tuesday, November 18, 2025, at which time, the Trust mortgage will be recorded. He noted that the project does not follow the traditional process because the first percentage of the project is being funded entirely by Mass Housing with a holdback of 10% of the Mass Housing funds, then the Eastern Bank will fund the rest of the project. He explained that it was negotiated and agreed that the Trust would follow the Mass Housing disbursement process and 10% of Trust funds would also be held back until completion.

Andy Clyburn introduced the Town's newest Legal Department member Assistant Town Attorney Jan Kendrick.

ii. **Hokum Rock Road, Dennis, MA – FORWARD 2 -**Approvals required for signature of amended MassDocs to accomplish amendment to Land Lease and joint finance closing – Trust Special Counsel Attorney Robert Galvin.

Ms. Douglass reported and Attorney Galvin confirmed that documents are being finalized for Phase 2 of the FORWARD 2 project and will require a signature from the Chair.

4. **Update on regulations related to Seasonal Communities designation tools under the Massachusetts Affordable Homes Act –** Board Member and MHP Senior Advisor and Real Estate Development Officer Laura Shufelt

Laura Shufelt noted that there was a letter in the packet that Planning & Development sent in response to the regulations saying that she hoped that the town will also respond to the amendments that Senator Cyr has submitted in a bill that would amend the statutes. She explained that the bill contains two additional requirements if a town is approved for designation as a seasonal community besides development of undersized lots and tiny homes. One of the additional requirements in the bill is that every seasonal community will adopt bylaws or zoning ordinances that provide for no less than one district where small year-round housing is permitted as-of-right, however she noted that size was not defined. The other additional requirement is to adopt zoning that would allow any property that meets the minimum square footage for habitability to be used as year-round housing not to be limited to hotels, motels or motor inns regardless of any other municipal bylaw or ordinance. Ms. Shufelt explained that if any local requirement requires a minimum s.f. that is higher than the state minimum s.f., this amendment will override it. These are the two proposed amendments in Senator Cyr's bill that are considered most important.

Laura said that the minimum threshold for circuit breaker tax credits and bifurcated progressive tax on residential property also seem to be requirements as well. Ms. Shufelt read Section 6 (i): "The Executive Office or any division therein may enter into long-term financing agreements with school districts, municipalities, and qualified developers for the creation of affordable rental housing for municipal employees and payment shall be deferred until the affordable housing that is finance is put into service, and they begin collecting rents." Laura Shufelt said there are a lot of conflicting regulations that would need to be overcome, specifically it does not waive Fair Housing saying it would be okay for there to be a preference but not a restriction for municipal employee housing. Laura explained that procurement laws, public construction laws, and foreclosure laws are all attempted to be overridden without mentioning them. She said the amendments allow for bylaws or ordinances that contribute to the creation of attainable housing. Attainable housing is defined as up to 250% AMI which is about $300K for a family of 4 income saying communities could lower this ceiling amount, however. Most concerning is a provision allowing for seasonal communities to change CPA AMI limits up to the attainable limit they have set, and those units would be counted on the SHI which Laura noted is getting a lot of pushbacks across the state. She explained that if attainable units can be counted on the SHI, it would end 40B in the community and any incentive to create affordable housing. Laura said there is also a lot of opposition for amending the 40Y statute that would pay $10,000 for each unit in an overlay district that is greater than the density the underlying zoning district would allow, saying additionally the building permit fee for each of those units would have an advantageous sliding scale compared to 40R. Ms. Shufelt said that CPA also has concerns across the state as there are provisions that if open space and historic preservation funds are not spent in three years, they will transfer into the community housing fund category. She also said

that there are changes proposed as to what can count on the SHI besides attainable housing units, saying that a project would need to include 10% 3-bedroom units to count unless it is age restricted. She said also that any unit that CPA funds supported would count on the SHI. Laura said that the town should look closely at Senator Cyr's bill to amend the seasonal community's statute.

Chair Ells returned to the meeting and confirmed that Planning Director James Kupfer has shared comments that were provided on behalf of the town. Laura added that allowing the year-round housing restriction to be in perpetuity instead of expiring in 30 years is also included in the amendment and is a flaw in the original drafting.

Ms. Shufelt confirmed that the provision in the amendment for use of CPA funds up to 250% AMI for attainable housing would affect the ability to attain housing that is affordable. If a year-round Attainable Housing Trust was established, the Affordable Housing Trust would be in competition for CPA funds.

**Correspondence/FYIs**
Ms. Douglass shared that the 850 Falmouth Road project anticipates coming to the Trust with a rent increase request. A formal written withdrawal will be requested from Copacabana Realty Investments.

5. **Matters Not Reasonably Anticipated by the Chair**

Chair Ells noted that interviews for the vacant seat on the Trust Board will be conducted soon. He requested Ms. Douglass and Ms. Shufelt to assist him by participating via zoom. Chair Ells said that he intends to make sure that all applications have been submitted first.

6. **Approval of Minutes from the 10/21/2025 Trust meeting.**
   **Motion of Laura Shufelt was seconded by Mark Milne to approve the 10/21/25 Trust meeting minutes as submitted. Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes).**

7. **Topics for Future Meetings/Agenda**

Laura Shufelt noted that there is approximately $100,000 in the Economic Development fund and said she is not aware of a formal process for accessing those funds. There was discussion regarding the origin of the funds in the Economic Development account such as CCC mitigation fees and whether additional funds would be added. It was decided that a process be drafted for consideration by the board and Laura said she would try to find the old criteria from when it was first established.

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8. **Next Meeting – Friday, December 12, 2025, 9:00 a.m.**

Attendance confirmed.

9. **ADJOURNMENT (Roll Call)**
   **Motion of Mark Milne was seconded by Andy Clyburn to adjourn the meeting. Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Mark Ells (yes). Meeting adjourned**.

**List of documents/exhibits used by the Board at the meeting:**
Exhibit 1 – Affordable Housing Trust Fund Board Meeting Agenda for November 14, 2025.
Exhibit 2 – Draft Affordable Housing Trust Meeting Minutes for October 21, 2025, meeting.
Exhibit 3 - Application – Seashore Homes, Inc. – 83 Main Street, Hyannis
Exhibit 4 - 2nd Amendment for Declaration of the Affordable Housing Growth and Development Trust Fund Board - Final
Exhibit 5 - Affordable Housing Trust End of FY Report to the CPC - Final
Exhibit 6 - 268 Stevens Street, Hyannis – Grant Agreement and other finalized supporting documents.
Exhibit 7 - FORWARD 2 – 1st Amendment to Ground Lease and other finalized supporting documents.

Respectfully submitted,
Ellen Swiniarski
Community Preservation Coordinator
Planning & Development Department