The Town of Barnstable

Affordable Housing Growth & Development
Trust Fund Board
367 Main Street, Hyannis MA 02601
www.town.barnstable.ma.us

Office: 508-862-4610
Fax: 508-790-6226
Email: mark.ells@town.barnstable.ma.us

Mark S. Ells, Chairman

Monday, September 22, 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; Ellen Swiniarski, Community Preservation Coordinator, Planning & Development. Special Counsel, Attorney Robert Galvin, Jr.; David Quinn, VP of Real Estate Development for Housing Assistance Corporation; Lily Gray, for Housing Assistance Corporation.

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). Mark Ells will chair the meeting.

Public Comment
None.

Topics for Discussion

1. **Continuation – Approval of Grant Agreement and Commitment Letter for Housing Assistance Corporation/CommonWealth Builder project.** 50-unit moderate-income condominium-ownership project at 268 Stevens Street, Hyannis – $1,000,000 subsidy in the form of a 0% interest 45-year loan, as opposed to grant, and revision of buyer income restrictions to restrict Affordability of 31 units for 100% Area Median Income (AMI), 15 units for 120% AMI, and 4 units un-restricted for market-rate sale.

Administrator Douglass reminded the Board that this special meeting was required because Housing Assistance Corp. has a closing scheduled for early in October. Attorney Galvin confirmed that after many discussions with Mr. Quinn of HAC and agreeable revisions made, final documents have been prepared for the Trust's approval. Attorney Galvin explained that he reviewed a number of other documents related to the Trust Fund and noted a public funder agreement that if the property is sold after 15 years, MassHousing agrees to repay any other entity that was involved in the funding of the project which would result in a return of $1/11^{th}$ of the funds to the Trust. Laura Shufelt noted that clarification is needed in both documents that CPA-sourced Trust funds are not subsidizing all the units, only 31 homes at 100% AMI. After discussion it was agreed by all that this clarification will be added to the documents. Laura Shufelt also noted that because this is a condominium project, the paragraph in the grant agreement regarding the Trust's approval for transfer of ownership will only be effective during the construction stage. Ms. Shufelt shared that the condition for provision of the development budget by the applicant has been satisfied.

The motion of Andy Clyburn was seconded by Laura Shufelt to approve the Grant Agreement and Commitment Letter documents for Housing Assistance Corporation/CommonWealth Building Project with updated language as noted. RC: Laura (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes). Motion carried.

2. **Planning and Reporting Updates/Potential Actions – Staff**
   a. **Amendment to 2020 Declaration of Trust – Status**

Ms. Douglass noted that she included the Amendment to the Declaration of Trust in the meeting packet and although a final agreement was voted and approved at the August 8, 2025, meeting, the document needs signature. Attorney Galvin reminded the Board that there had been concern that procedurally Town Council approval was also needed. He noted that after working with Karen Nober and Tom LaRosa, it has since been determined that only the vote of the Trust and signature by Mark Ells is needed. Ms. Douglass said she would request Attorney LaRosa to advise Mr. Ells of his approval for signature.

   b. **Draft Trust Report to Community Preservation Committee –** End-of-Fiscal Year 2025 with updated balance sheets – Administrator Douglass

Administrator Douglass explained that this report was placed on a previous agenda and that members wanted more time to review. Laura Shufelt provided her comments saying that on page 2, COs issued for 2023 for completed multifamily housing, and in all the project descriptions, the number of affordable units 80% or less that will count on the SHI, need to be identified separately from those that do not count on the SHI.

   c. **Transfer of CPA funds by Town Council –** Administrator Douglass.

Ms. Douglass reported that on September 4, 2025, the Town Council voted to transfer $2.5M in CPA funds to the Affordable Housing Trust.

   d. **Project Updates – Administrator Douglass**
      i. **Copacabana Realty Investments, Inc. at 11 Potter Ave. –** awaiting State acceptance of Local Action Unit application.
      LAU application. has been forwarded to the State.

ii. **Application Withdrawal** (via e-mail 7/10/2025) – 199 Barnstable Road, Bratt LLC.
Ms. Douglass noted that the application from Bratt LLC has been withdrawn. Bratt LLC has received MassHousing funds in the amount of $11M which frees up the $600,000 originally set aside for that project by the Trust.

3. **Correspondence/FYIs**
   a. **35 Wilkins Lane, Hanover 2 –** Zoning Board of Appeals Special Permit 2025-013, Draft Condition #12

Administrator Douglass explained that the Hanover 2 project at 35 Wilkins Lane has received a special permit from the Zoning Board of Appeals (ZBA) with a condition that refers Hanover and New England Development to apply to the Barnstable Affordable Housing Trust for funds to subsidize an additional 10 affordable units with time frames. Ms. Douglass reported that she has forwarded an application to Attorney Ford. Laura Shufelt said that at the end of condition #12, it says that if after diligent and good faith efforts by the Trust and applicant within six months of the ZBA decision being final, they are unable to enter into a Trust agreement, the applicant would have no further obligations with respect to this condition. There was Board discussion regarding the applicant's requirements for this special permit condition and that it appeared to be more of a suggestion and not enforceable. Attorney Galvin said that he has seen conditions like this and his interpretation of the condition is that the Zoning Board of Appeals is guiding the applicant to the Trust for funding for 10 additional affordable units, but does not want the project to be delayed. Attorney Galvin said that once the Trust has a willing participant to accept the funding, the Trust will be able to decide on the merits of an application received. Laura Shufelt noted that condition #10 of the special permit also names the Trust regarding the provision of local preference for housing units in the project however, she said it is the town's responsibility to request local preference suggesting that the Planning Department should be applying for local preference for this project and that the condition is not appropriate for the Trust or the applicant. After discussion and guidance from Chair Ells, Corey Pacheco, Senior Planner, Planning & Development agreed to follow up and report back to the Trust regarding this. Chair Ells noted that he has had several conversations with Senator Cyr relevant to seasonal communities and that Director Kupfer is taking the lead for the town when the time comes for action from the town as to whether Barnstable is interested in becoming a seasonal community. Mr. Ells noted that this is a town function, however it is important that Planning Department staff update the Trust and keep them advised of these discussions regarding pursuing the seasonal community designation. Laura Shufelt reminded that she is part of the working group for seasonal communities and provided a timeline saying draft regulations will be final the end of December and subsequent to that, the town would be able to make the request for seasonal community designation. She said before that, the final draft of regulations should be public soon and there will be a 30-day public comment period following. She suggested that the Trust review the draft regulations carefully.

4. **Matters Not Reasonably Anticipated by the Chair**
   None.

5. **Approval of Minutes from the 6/6/2025 and 8/8/2025 Trust meetings.**
   The motion of Andy Clyburn was seconded by Laura Shufelt to approve the meeting minutes from 6/6/2025 as submitted.
   RC: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes). Motion carried.
   The motion of Andy Clyburn was seconded by Laura Shufelt to approve the meeting minutes from 8/8/2025 as submitted.
   RC: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes). Motion carried.

6. **Topics for Future Meetings/Agendas**
   None.

7. **Next Meeting – Proposed: Friday, October 10, 2025, 9 a.m. (2nd Friday)**
   After discussion, it was decided that because Administrator Douglass is unavailable for the October 10 meeting date and her participation is required and there are actionable items on the agenda, another meeting date should be chosen.

8. **ADJOURNMENT (Roll Call)**
   The motion of Laura Shufelt was seconded by Mark Milne to adjourn the meeting. Roll call vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes). Meeting adjourned at 9:31 a.m.

List of documents/exhibits used by the Board at the meeting:
Exhibit 1 – Affordable Housing Trust Fund Board Meeting Agenda for September 22, 2025.
Exhibit 2 – Draft Affordable Housing Trust Meeting Minutes for 6/6/25 and 8/8/25.
Exhibit 3 - Draft Grant Agreement and Commitment Letter for Housing Assistance Corporation/Commonwealth Builder Project.
Exhibit 4 - Draft Amendment to the 2020 Declaration of Trust.
Exhibit 5 – Draft Fiscal Year End Report of the Affordable Housing Trust to the Community Preservation Committee.
Exhibit 6 - 35 Wilkens Lane Special Permit 2025-013.
Exhibit 7 – 9/4/25 email from Bratt LLC requesting withdrawal of their application for Trust funds.

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