The Town of Barnstable

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

Monday, October 21, 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; James Kupfer, Director, Planning & Development; Ellen Swiniarski, Community Preservation Coordinator, Planning & Development. Special Counsel, Attorney Robert Galvin, Jr.; Mr. Paul Cincotta and Mr. Mark Jackson of New England Development.

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. **Continued Discussion – Zoning Board of Appeals Special Permit 2025-013, Condition #11 "Affordable Residences".** Wilkens Lane Properties LLC (a.k.a. Hanover 2/New England Development – 35 Wilkins Lane, Hyannis

Planning and Development Director, James Kupfer explained the Zoning Board of Appeals (ZBA) Special Permit Condition for the Hanover 2/New England Development multi-family project. He noted the ordinance required 13% affordability but during the hearing, board

members as well as the public expressed that additional affordable units are preferred at this location. After discussions with the ZBA, the applicant indicated they were amenable to providing additional affordable units and condition #11 is the result. Mr. Kupfer read Condition #11 noting that as outlined in the condition, the proposal recently received by the Trust is to open that discussion and negotiation with the applicant seeking Trust funds to subsidize additional affordable units.

Ms. Jillian Douglass read the email received from representatives from Hanover and New England Development outlining the proposal:
Pursuant to Condition 10, which is now 11 of the Special Permit, the applicant hereby notifies the Trust of its willingness to enter into an agreement restricting the annual rent of up to 10 additional housing units with income levels of 100% AMI provided the Trust makes a one-time upfront capital contribution as follows: for 1 bedroom units, seeking $235,212 per unit for up to 6 units; 2 bedroom units; $341,896 per unit for up to 3 units; and for 3 bedroom units requesting $645,171 per unit for one unit. The buydown values are based on net present value calculations comparing current market rents from Hanover Phase 1 restricting 100% AMI rent over a 30-year term after which the program would expire or be reevaluated in accordance with the Trust agreement. The summary of the assumptions of net present value calculation by unit type are included in the attached tables for the Trusts review. The Trust total contribution shall equal the aggregate of the units selected not to exceed 10 units in total. We are not including any values related to lease subsidies because we understand the Trust prefers not to do lease subsidies however, we are open to discussion lease subsidies as well. This offer is subject to the execution of a Trust Agreement satisfactory to both the applicant and the Trust. The applicant requests that this notification be placed on the next available trust agenda. The applicant and its representatives look forward to working with the trust to reach a satisfactory Trust Agreement. Jillian noted that in the attached table – as of September 25, 2025, the developers are using a market rent of $3,318 and an affordable rent of $2,303; with a projected 2027 Market rent of $3,460 and an affordable rent of $2,385.

Mr. Paul Cincotta, Senior Vice President, Development, of New England Development said that they had been hopeful that a representative from Hanover and Attorney Mike Ford could have attended the meeting, but both had prior commitments. He explained that the proposal is a buydown of the delta between the market rate and 100% AMI for respective unit sizes, saying that he was under the impression that subsidizing leases was not preferred but would have that discussion if that were something the Trust would consider. He said he hoped to sit down in a workshop type session to discuss opportunities with the Trust for funding up to 10 affordable units.

Attorney Galvin noted that as proposed, the units would only be subsidized for 30 years, saying this is a consideration that the Trust Fund Board would need to look at. Typically, a perpetual restriction is required, especially since it looks like Trust funds would be used to pay for the cost of the units themselves.

Ms. Douglass confirmed that there was not a formal application submitted, only the email responding to the condition of the special permit to open the discussion with the Trust. She pointed out that the net present value is not something the Trust normally considers because the Trust would not be purchasing the units, buying down the affordability of them instead. Ms. Douglass said that 80% AMI is considered affordable whereas 100% AMI is what the Trust considers to be community housing. Jillian said that she had attended ZBA hearings and noted

that the public expressed need for a greater number of bedrooms saying that according to the Mass Housing Partnership, the maximum allowable rent for 2025 at 80% AMI is $2,776 for a 3-bedroom unit.

Chair Ells noted that the Trust has Rules and Regulations and criteria to evaluate both AMI and the ceilings on dollar amounts without additional criteria being met to consider higher dollar amounts. Ms. Douglass explained that there have not been any in-depth discussions about what the Trust is seeking as this is the first review. Mr. Ells said he would expect the discussion to adhere to the Trust's criteria until the Trust chose, because of appropriate conditions, to entertain something else. Attorney Galvin said he reviewed Condition #11 noting it says they would look to subsidize units at or below 100% AMI, not 80% AMI, envisioning the possibility of 100% AMI and he did not think the developers were incorrect in proposing 100% AMI, however it may not be what the Trust Board wants to fund. Attorney Galvin noted that under Condition #11, the project must comply with the 13% affordability requirement but is less precise about additional affordable units. He noted that affordability is 80% AMI and below saying that the goal of the Trust has been to create affordable units that are 80% AMI or below, so Condition #11 does require that there be an affordability element. He said Condition #11 provided latitude to request 100% AMI, but he did not think that same latitude is provided under the Trust Rules and Regs. The goal is to subsidize additional affordable units, and the spirit of Condition #11 is that.

There was further board members' discussion noting the differences between what the Trust has typically funded per unit and what is proposed. Chair Ells said in fairness, the proponent did what the ZBA condition said and came to the Trust in an effort to fund up to 10 more affordable units. He said that he would like an opinion from Attorney Galvin on the broad approval of the ZBA and also Condition #11 saying he needs to be advised how to proceed. Chair Ells said he also wants to quantify what the Trust could offer so the applicant has an indication what the Trust can entertain under their criteria, with possible subsequent discussion about what might be considered beyond that. It was noted that presently the per unit cap for Trust funds is $150K and this can be used as the starting point and should be directed more toward the 2- and 3-bedroom units. Finding a way to work within the guidelines is the best way to proceed. Also noted was the per project limit of $2M. It was decided that James Kupfer, Attorney Galvin, Jillian would meet and discuss what could be considered within the Trust criteria. Laura Shufelt volunteered to join the discussion as Trust member. It was suggested that it may be helpful to hold an educational meeting with ZBA or an exchange of documents regarding the Trust's criteria in the future. It was noted by all parties that everyone wants to achieve the intent of the condition. This item will be placed on a future agenda after discussions with all the parties has resulted in a viable application.

2. **Planning and Reporting Updates/Potential Actions** – Staff
    a. **Amendment to 2020 Declaration of Trust** – Additional proposed amendment – reporting frequency.

Ms. Douglass noted that after conversations with Town of Barnstable Legal staff and Attorney Galvin, the requirement for quarterly and semi-annual reporting to the Community Preservation Committee is not a requirement stated in the Declaration of Trust. The only requirement in the Declaration of Trust is the annual reporting to the CPC at the end of the fiscal year for the CP-3 reporting to the State. The proposed amendment to the Declaration of Trust regarding frequency of CPC reporting is not necessary.

Attorney Galvin confirmed that the purpose of the amendment was to make sure the Trust had the ability to fund other types of projects such as CommonWealth Builder (CWB). He confirmed that the only requirement is that the Trust reports once to the CPC at the end of the fiscal year. All agreed that annual reporting to the CPC is sufficient and that additional reports to the CPC can be provided administratively if requested.

After discussion, it was agreed that there was a previous vote to approve the amendment to the Declaration of Trust that supports CWB projects, and the annual reporting requirement is already within that version of the amendment previously approved by the Trust. Attorney Galvin confirmed that the approved amendment will require the four Trust Board Member signatures.

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

After discussion, it was decided that Trust members will review and provide final edits so the report can be approved at the next meeting.

c. Project Updates

268 Stevens St – HAC/CommonWealth Builders-Finalize Legal Documents – Estimated finance closings October 15, 2025

Ms. Douglass noted that Attorney Galvin provided documents in the meeting packet that are close to final form, and the closing is scheduled before the end of the month so there is an urgency to get the documents finalized. Attorney Galvin said a request to slightly edit the mortgage may be necessary to make clear that a partial release will be provided as each unit is sold and a side letter stating this would be provided to HAC.

Laura Shufelt noted that in #3 of the Grant Agreement, the process for disbursement of funds needs revision. Attorney Galvin said that the Trust would be dispersing funds on the bank's construction schedule, and this had been agreed in discussions with HAC and the document will be edited to reflect this. Additional edits in the Grant Agreement were identified by Ms. Shufelt and it was decided that Attorney Galvin and Laura would work offline following the Trust meeting to address them before sending the final document to HAC.

Ms. Shufelt requested that clarification be provided throughout the commitment letter that the Trust is only funding the 31 units at 100% AMI not the 120% AMI units. She noted she had no changes for the promissory note and confirmed with Attorney Galvin that the shared equity in the mortgage would include both the 100% AMI and 120% AMI units.

Hokum Rock Road, Dennis, MA – FORWARD 2 – Construction report with request for reimbursement payment

Ms. Douglass reported that FORWARD 2 had groundbreaking on Tuesday, October 7, 2025, which was very well attended.

11 Potter Ave. – Copacabana Realty Investments, Inc. – Awaiting State acceptance of Local Action Unit application.

Ms. Douglass reported receiving an email from Copacabana Realty Investments, Inc. seeking to withdraw their application. There was discussion regarding the Trust processing timeline and improvements that could be made. There was a combination of factors that extended the process

timeline locally and delays at the State approval level. Chair Ells noted that the Trust will continue to work with applicants regarding estimated timing expectations upfront.

There was discussion regarding the need for LAU approval from the state holding up the occupancy permits until approved. The inclusionary units need to have state LAU approval before COs can be issued. Director Kupfer said that the Planning Department follows the LAU application from beginning to end with the assistance of the town's legal team and when completed, addition to the SHI is requested. The issue of getting the LAU approval prior to occupancy is a challenge that they continue to try to meet. He noted that Planning & Development has been awarded an inclusionary housing grant from the state.

307 Main St. – Winn Development/Harbor Vue – Drafting legal documents, pending finance closing
Ms. Douglass said that she has not had any additional contact but will reach out to check if they are on track with their other financing.

3. **Correspondence/FYIs**

Ms. Douglass reported that she received an email and letter from Dennis & Deb Mason of Seashore Builders who intend to submit a full application for 83 Main Street, Hyannis for the next Trust meeting scheduled November 14, 2025. Chair Ells said that the Trust's criteria should be shared beforehand so they will make a viable request to the Trust. He recommended that they comply with the Trust guidelines.

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

Broad discussion about the Seasonal Communities Act. The Reg. Diggs amendment is that Cape Cod towns would be automatically identified as seasonal. He said this should be considered as an oversight on the part of the initial work.

5. **Approval of Minutes** from the 9/22/25 Trust meeting.
   Motion of Andy Clyburn was seconded by Laura Shufelt to approve the 9/22/25 Trust meeting minutes as submitted. Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), and Mark Ells (yes).

6. **Topics for Future Meetings/Agendas**
   - Update on Seasonal Communities from Director Kupfer and further discussion with Laura Shufelt and the Trust Board.
   - Regional Shared Services for Housing - How Barnstable can benefit. How this should be considered during budget development. If legislation is passed, the transfer fee would come to the Trust if the funds were designated for housing.

7. **Next Meeting – Friday, November 14, 2025, at 9:00 a.m.**
   Attendance confirmed.

8. **ADJOURNMENT (Roll Call)**
   Motion Laura Shufelt 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 October 21, 2025.
Exhibit 2 – Draft Affordable Housing Trust Meeting Minutes for 9/22/2025.
Exhibit 3 - Email from Attorney Michael Ford for Wilkins Lane Properties
Exhibit 4 - Zoning Board of Appeals Special Permit 2025-013 Wilkins Lane Properties
Exhibit 5 - Affordable Housing Growth and Development Trust Fund 2024 Rules and Regulations.
Exhibit 6 - 2nd Amendment for Declaration of the Affordable Housing Growth and Development Trust Fund Board.
Exhibit 7 - 1st Amendment for the Declaration of the Affordable Housing Growth and Development Trust Fund Board.
Exhibit 8 - Affordable Housing Trust End of FY Report to the CPC.
Exhibit 9 - 268 Stevens Street - Draft Grant Agreement and Commitment Letter for Housing Assistance Corporation/Commonwealth Builder Project.
Exhibit 10 -Email from Copacabana Realty Investments, Inc. seeking to withdraw their application with the Trust.

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