



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

Monday, August 17, 2026
Affordable Housing Growth & Development Trust Fund
Board Meeting Minutes
9:00 A.M.

Board Member Attendees: Andy Clyburn, Mark Milne, Seth Etienne, Laura Shufelt and Mark Ells

Other Attendees: Jillian Douglass, Trust Administrator, Planning & Development; Planning Director Jim Kupfer, Planning & Development; Special Council, Attorney Bob Galvin; Ellen Swiniarski, Community Preservation Coordinator, Planning & Development. Attorney David Lawler for Standard Holdings, Tim Telman of Standard Holdings. Attorney Robinson and Marcel Merwin for Ezzi Property Group.

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.

Call to Order:

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

New Member Introduction

Chair Ells introduced the new Affordable Housing Trust Board member Seth Etienne. Mr. Etienne shared his background as a graduate of Barnstable Public Schools holding a Bachelor of Architecture degree from Virginia Tech, currently pursuing a master's from the University of Colorado. He presently is a data collection manager and was a Spanish teacher at the Barnstable High School year 2023-2024. He was a community organizing member for the CDP in Orleans and most recently built his own artificial intelligence tool. He served on the Barnstable Town Council's 2024-2025 ad hoc committee on zoning review and assessment. He said he hopes to offer informed and researched data for input from various sources and perspectives to help balance conflicts and resolve community struggles related to housing and economic development.

Topics for Discussion

1. Proposed Signing of Amended Declaration of Trust

After brief discussion, the Trust Board Members signatures were notarized by Tracey Smith on the Amended Declaration of Trust as one document and they stated this was their free act and deed.

2. Final Draft of Commitment Letter for Winn Development's Harbor View at 307 Main Street – Special Counsel Robert Galvin, Jr.

The commitment letter for Winn Development was originally approved as a grant and now has been converted to a loan with documents revised to reflect a loan commitment. Attorney Galvin said that Attorney Robinson's comments were acceptable and Attorney Robinson noted very minor edits made subsequently on August 13, 2026. It was agreed that Attorney Galvin would review the recent version and the Trust would revisit this item after item 6 on the agenda.

3. Draft Policy for Close-Out of Un-Used Funding Commitments – Special Counsel Robert Galvin, Jr.

Attorney Galvin confirmed that trust members had received the policy he drafted that applies to commitments the Trust has made to developers. Inactivity, withdrawal, expiration of time limit and material changes to the scope of a project could start the process. He suggested the Chair could look at the circumstances and summarize correspondence with developers, and the Trust would send notice to the developers regarding concerns. If there is no cure within a reasonable time, the Trust could take the matter up at a meeting and vote to terminate with notice sent to the recipient to return funds to the Trust and any associated encumbrances would be removed from the accounting record. Records will be retained for seven years according to the municipal records retention schedule. Trust Board members agreed that time frames and circumstances may vary but it is a good policy to be put into place.

The motion of Andy Clyburn was seconded by Laura Shufelt to adopt the draft Policy for Close-Out of Un-Used Funding Commitments as written.

Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Seth Etienne (abstained), Mark Ells (yes). Motion carried.

4. Process for Rent Increase Requests – Draft Process in Progress

- **50 Yarmouth Road**
- **850 Falmouth Road**

Jillian Douglass explained that staff are working mutually to come up with a process because without a policy in place, recent rent increase requests have been processed administratively. She noted that the recent 50 Yarmouth Road request was approved but in the future these will come to the Trust for formal acceptance of the rents. She noted that no request has exceeded the allowable percentage increase. Ms. Douglass noted that one of the comments from the Regional Housing Service Office was that there should also be guidance from the state on how local authorities review rent increases as they have not issued written guidance. Laura Shufelt stated that although she does not think it is written, any increase over 10% should be justified and that consistency with other agencies is most important, choosing the strictest criteria from all funding sources. Laura said they should wait to see what methods the LIP Director recommends for rent increase requests. It was decided they would take the discussion under advisement to be placed on a future agenda.

5. Proposed Transfer/Sale of 850 Falmouth Road to Ezzi Property Group -Attorney David Lawler for Standard Holdings, LLC.

Attorney David Lawler said he speaks on behalf of proposed seller Standard Holdings and that Attorney Kilroy has been involved working with Attorney Galvin. Attorney Lawler said a lot has happened since the Trust's commitment of funds and the negotiations that followed. When the Trust made their commitment, there was no building, and no tenants. Costs for construction have since increased significantly and the Trust is now looking at a brand-new, fully-occupied structure. He said the new buyer is making a huge commitment and is experienced and qualified owner to take over 850 Falmouth Road. Laura Shufelt noted that affordable housing experience seems to be missing from the portfolio and is needed to ensure tenants are eligible and compliant. Mr. Marc Abou-Ezzi said, as the buyer, he would abide by what is governing the 10 existing affordable units.

After discussion, it was decided that a post-closing condition would be added that a member of the buyer's staff completes the Certified Occupancy Specialist course reporting certification to the Trust. In the interim, the Seller or the Seller's Property Managers will continue to stand-in to ensure tenant's eligibility and compliance should a vacancy arise. Attorney Lawler indicated that he is seeking a vote of the Trust today. Laura noted that filling occupancy is supposed to be done from the project's wait list after the lottery, not from housing authorities' wait lists. Mr. Abou-Ezzi said he was amenable to the condition subject to review with his attorney.

The motion of Laura Shufelt was seconded by Andy Clyburn to approve the transfer of 850 Falmouth Road from Standard Holdings to Ezzi Property Group or Nominee with the condition that within 120 days of transfer, a member of the management team provide certification that they have completed a Certified Occupancy Specialist course and that, in the interim, the prior owner will continue to provide this service. Further, that the Trust Board authorizes the Chair to sign the final agreement once it is finalized.

Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Seth Etienne (abstained), Mark Ells (yes). Motion carried.

6. Internal Planning & Strategies "Workshop" Discussion - Presentation by Staff.

Director Kupfer narrated a PowerPoint presentation saying staff reviewed the Local Comprehensive Plan to see what priorities from the community have been and what the Trust potentially could do to address some of those goals and strategies. Looking for the Trust's insight so staff can start designing programs and possibly update the NOFA and come back to the Trust for clear direction.

Mr. Kupfer explained the Powers and Authority the Trust has and provided examples of projects, reviewing the existing NOFA and the CPC Allowable Uses for Community Housing. The PowerPoint outlined the Goals and Strategies of the Housing Production Plan and the Local Comprehensive Plan, Town Council Sub-Committee Recommendations. After listing the goals and strategies and identifying items outside the scope of the Trust and items the Trust NOFA already included, Mr. Kupfer summarized potential allowable Trust NOFA Amendments per HPP & LCP Goals:

- Add the straight purchase of Affordable Housing Deed Restrictions to the NOFA
- Rehabilitation of existing housing stock – this would require additional funding sources and partnering with other agencies/programs;
- Capacity building and accessing infrastructure – make funds available for lower income residents to connect to sewer and repair or expand existing capacity;
- Partner and outreach to connect with others to fill gaps and needs;
- Address at-risk and homeless families and individuals – requires steady and stable revenue stream – need partners to sponsor;
- Program to facilitate ADU creation in return for Affordable Housing Deed Restriction.

It was discussed that many times it was identified that CPA funds are ineligible to be used for certain Trust activities, however, CPA funding is the Trust's greatest source of funds. Attorney Galvin provided a sheet of CPA fund questions that have been asked for years. He said that a pre-development expense is eligible only if it is a necessary step towards an eligible CPA project. He said that feasibility studies for affordable housing and environmental and engineering assessments for a project or a pre-acquisition appraisal are all CPA eligible because these are supportive activities. There is also a list of a few things that CPA has already interpreted not to be included such as general planning that is not tied to a specific CPA eligible project, town-wide master plans, economic development studies, routine maintenance studies, exploratory studies for projects that don't fall within CPA categories, predevelopment for projects that turn out to be ineligible. Those are excluded projects. Attorney Galvin said there is a test at the beginning that helps determine eligibility. He noted that other Town Affordable Housing Trusts purchase affordable housing to preserve them until they can be resold to an eligible person.

Jim Kupfer shared what he has been seeing and hearing from the public as priorities. There are lots of market rate housing units coming on-line and it continues to be important to increase the number of affordable units. The Trust has an opportunity to potentially do this in a much greater way, maybe even after the fact by buying affordable housing deed restrictions in a new project. He said, however, it might be better to support existing housing stock and support additional affordability. There was discussion regarding the cost of buying down one new affordable unit as being \$650K because the market has increased so much; \$75K per unit from 10 years ago is not enough. It was noted that new construction has gaps that the Trust can fill, and that smaller developers and rehabilitation projects may see more of an opportunity to "move the needle for them" with Trust subsidy. Jim Kupfer said he would reach out to that level of developers to see what their needs are.

Utilizing Town-owned properties and adding to the NOFA that the Trust will look at existing developments to obtain affordability was discussed. Laura Shufelt noted that the 1st priority has been to use existing stock and is in the CPA statute however the Trust has not had success in that small development because a development of less than 10 units does not require the provision of affordable units under the inclusionary ordinance. The condition of adding affordable units and the associated requirements such as the lottery, to rent one unit at a subsidy of \$150K per unit, is not typically going to make it worthwhile for an applicant. She suggested a way to streamline the rental process such as the Ready Renters List that small developers in Yarmouth use.

Mr. Kupfer said if everyone is comfortable, he can continue to fine tune the NOFA to include what has been discussed here. A draft could be provided in advance; however he did not see any wholesale changes being made, only some fine tuning. All agreed that it would be helpful to

have other funding sources that are not as restrictive as CPA. Laura said there are Lease to Local Programs that gives landlords incentive to switch from summer rental to year-round rental which has been successful mostly on the lower cape, however, CPA funds cannot be used for this and homeowner rehab requires a deed restriction for CPA funds. If there were other funding sources not requiring a deed restriction, this could be a viable program for the Trust.

Mark Milne mentioned the property tax exemption program which communities can create a local ordinance that could incentivize people to deed restrict their ADUs. The vacation rental to year-round rental offer for property tax exemption is challenging because one week's rent is almost worth the annual property tax. There was discussion about Social Housing and the challenges of public bidding and prevailing wage-rate law, that add up to 50% more for the cost of construction, which could potentially be brought down to 25% or more with an exemption.

There was discussion about Town-owned land and properties and the installation of sewer in the future. Seth Etienne stated that the town should identify opportunities using Town-owned properties that correlate with the locations the sewer is proposed and Andy Clyburn agreed. Laura Shufelt said she thought the coordinated plan for the sewer was based on other criteria, not the location of town owned land. It was noted that the Trust does not own the Town assets and there would need to be a consensus to use Town-owned properties for Trust projects.

Director Kupfer confirmed he has received some direction from the Trust, and he and Jillian will begin work on updating the NOFA for their review. It was decided the matter would be taken under advisement and brought back to the Trust.

Chair Ells noted a hard stop for Andy Clyburn at 11.

2. Continued - Final Draft of Commitment Letter for Winn Development's Harbor View at 307 Main Street – Special Counsel Robert Galvin, Jr.

Attorney Galvin said that the finalized version of the commitment letter could be signed. Laura Shufelt noted that she had a question about Section 1.2 where it says rents will be set at 30% of 50% saying this excludes rents that are voucher based and concerned it would have an adverse effect for someone with a voucher. All agreed that that was not the intent. Also, it was noted that Sections 2.7 and 2.8 are not consistent in the timing for the holding of the lottery. There was discussion about confirming the correct information. It was requested that the document be signed today because Winn needs to go to the Mass Housing Board with all the funding sources in place. All agreed that a vote could be taken today, subject to clarifications for 1.2, 2.7 and 2.8 and to ensure that the language does not exclude anyone with a voucher.

The motion of Laura Shufelt was seconded by Andy Clyburn to approve the Commitment Letter after clarifications as approved by Attorney Galvin.

Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Seth Etienne (abstained), Mark Ells (yes). Motion carried.

7. Matters Not Reasonably Anticipated by the Chair.

None.

8. Topics for Future Meetings/Agendas

- Continuation or Directive Related to Board Planning

9. Approval of Minutes from the 6/15/26 Trust Meeting.

The motion of Laura Shufelt was seconded by Andy Clyburn to approve the meeting minutes of 6/15/26 as submitted.

Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Seth Etienne (abstained), Mark Ells (yes). Motion carried.

10. Next and Future Meeting Dates – Monday, September 21, 2026 at 9:00 a.m.

- Meetings are to be held via zoom due to elevator repair.

11. Adjournment (Roll Call) The motion of Andy Clyburn was seconded by Laura Shufelt to adjourn the meeting.

Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes), Seth Etienne (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 August 17, 2026.

Exhibit 2 – Draft Affordable Housing Trust Meeting Minutes for June 15, 2026.

Exhibit 3 – Amended Declaration of Trust

Exhibit 4 – Draft Commitment Letter WINN Development Harbor View

Exhibit 5 – Draft Policy for Close-Out Un-Used Trust Commitments

Exhibit 5 – Draft Process for Rent Increase Requests

Exhibit 6 - PowerPoint Presentation – Director Kupfer

Respectfully submitted,

Ellen Swiniarski

Community Preservation Coordinator

Planning & Development Department