



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

**Friday, July 23, 2021**  
**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.

**Other Attendees:** Attorney Ruth Weil, AHGDT Staff; Attorney Charlie McLaughlin, Senior Town Attorney; Elizabeth Jenkins, Director, Planning & Development; David Anthony, Chief Procurement Officer; Councilor Paula Schnepf; Jake Dewey, Applicant; Ellen Swiniarski, CPC Coordinator, Planning & Development.

**Call to Order**

With a quorum present, Chairman Mark Ells called the meeting to order at 9:05 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): Laura Shufelt, Mark Milne, Andy Clyburn and Mark Ells. Wendy Northcross (absent).

**Topics for Discussion**

**1. Public Comment**

None.

**2. Approval of minutes for the 7/9/21 meeting.**

Motion was made by Mark Milne and seconded by Laura Shufelt to approve the July 9, 2021 meeting minutes. Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes) Andy Clyburn (yes) Mark Ells (yes). Motion carries.

**3. Application for Funding: Review of the application submitted by Jake Dewey for pre-development funds to support the redevelopment and development of the following parcels located in Hyannis, MA: 560 West Main Street, 4 Elis Drive, 14 Ellis Drive, 15 Elis Drive, 20 Elis Drive, 30 Elis Drive, 31 Elis Drive, 35 Elis Drive, 39 Elis Drive, 40 Elis Drive and 44 Elis Drive.**

Mr. Dewey said that Dan Ojala, Down Cape Engineering, was going to do further preliminary background research and consult with Griffin Beaudoin, Town Engineer, regarding sewer design for the project so he could provide an updated proposal on costs. Mr. Dewey requested a continuance until a meeting when this information is available.

David Anthony advised that Mr. Beaudoin is currently out on paternity leave; however it was acknowledged that there are others who are filling in who can provide answers to infrastructure questions in his absence.

**4. Update on the analysis of the portion of the property now addressed as 1200 Phinney's Lane, Hyannis, MA (Map 274, Parcel 031) which was formerly owned by the Disabled American Veterans (DAV) for the development of affordable housing.**

Attorney Charlie McLaughlin explained that he met with the whole engineering crew yesterday on a variety of subjects and was able to resolve a couple of issues regarding restrictions and obstacles for development on this parcel. He noted that the question raised by David Anthony at the last meeting of whether the driveway exits onto the Town or the State portion of Phinney's Lane, said engineering confirmed that this is the State portion of Phinney's Lane. He said that an expanded curb cut permit from Mass DOT would be required to accomplish a common driveway situation due to added traffic flow. Attorney McLaughlin said that there is nothing in the title on record at the Registry that indicates any type of restriction in place on the police department lot. Further internal review is required to sort out the exact location of the Hearth and Kettle parcel to ensure it is not restricted beyond "police purposes" and what that language means in context needs to be sorted out, but could be resolved quickly. He said Attorney Bernie Kilroy was of the opinion he did not think resolution of this issue rose to the status of an Article 97 question, but said he intends to consult with others to ensure they concur with that conclusion. Records for funding restrictions associated with the development of the new police station were researched however available records do not go back that far. He said that the Town Clerk's office is assisting to identify town meeting votes or other records that might indicate any type of restriction associated with acquisition or development of the police building parcel.

Charlie shared that in his discussions with engineering; it was acknowledged that the fronting section of Phinney's Lane is on a fast track for both installation of sewer and water and should be available within a year and a half. Engineering said a gravity sewer is planned likely on the same side of Phinney's Lane for this development to tie in. Charlie noted that the road will be newly paved at that time and there are restrictions that exist for allowance of reopening the road after paving, noting that stubs for both water and sewer should be at the sideline of the roadway as a part of the design process. Chair Ells noted that capacity should be confirmed as it was anticipated that some of the other condominiums to the west would also be tied in. He advised that if the project is connecting with a new sewer connection, a fee of \$10K per unit would be applicable and would have an obvious monetary impact on the project. He suggested that this impact could be avoided by designing a gravity sewer that runs through the parcel, and assuming an option for connection, the parcel would then not need to be assessed \$10K per unit as part of a

sewer expansion project. After discussion, it was decided that a determination of whether this parcel will be a sewer parcel that will be connecting into a gravity line that exists, or connecting to the new sewer line requiring the assessment of \$10K per unit when it connects to the new sewer line, will need to be made and brought back to the next Trust meeting.

Ruth said that Article 97 would not be applicable as this parcel was not intended for conservation purposes. She said there are two parcels and wondered if the parking lot parcel is also burdened with restrictive use language. David Anthony offered that the deed from 1977 for the acquisition of the parcel underneath the police department includes no restrictions for police purposes in the deed. He explained the parcel was acquired from the Commonwealth of Massachusetts through a series of Town Meeting votes. He noted that the Town Clerk is currently researching these votes and there should be more information available regarding this for the next meeting.

#### **5. Update on the efforts of Barnstable County to create a Regional Services Housing Office (RSHO).**

Laura Shufelt explained that a Regional Services Housing Office is one where towns have banded together to fund a regional housing office where monitoring and resale of affordable homes and other technical parts of affordable housing post development are handled. She said that some towns are too small to have a dedicated housing employee, and contributing funding for this regional housing position can be an attractive option. Laura shared that she has had initial conversations with the County and Cape Cod Commission about implementing these services on the Cape and discussed different models. She said it would need to be determined if the County did decide to take on this office, how many towns on the Cape would be willing to contribute to it. She said that in one model discussed, a County employee would perform a base level of service for participating towns with further town contribution for additional services as needed. She said that there is also a model where the County could support the program and contract to a non-profit to provide the services. She shared that there is a Massachusetts Housing Partnership employee who helps create these regional housing offices across the state who will be working with the County to get a survey out. Laura noted there is a lot of enthusiasm from staff, planners and housing advocates in most towns however a survey will need to be sent out to determine interest. Laura said this would be an opportunity to professionalize affordable housing monitoring and preservation of existing affordable units. After brief discussion it was determined that advisement as to how these services can be utilized as a resource by the Town of Barnstable will be provided to the Town Manager by staff.

#### **6. Correspondence: Elliot Schmiedl, Director of Homeownership, Massachusetts Housing Partnership (MHP).**

Ruth advised that she had reached out to Mr. Schmiedl regarding possible participation in the One + Boston program and a meeting is scheduled for July 28<sup>th</sup> via zoom at 1:00 p.m. Trust members may participate as long as a quorum of the Trust is not reached. If a quorum is anticipated, the meeting could be posted.

#### **7. Discussion of topics for future meetings.**

Ruth noted that the Quarterly Report for the Community Preservation Committee (CPC) is due at the beginning of August and she anticipates having a draft report for the next meeting. Housing

Assistance Corporation's (HAC) final report is anticipated this month and the Trust will have to decide if they want to extend that contract. Ruth shared it is likely that the Trust's request for CPA funds will be heard at a Town Council public hearing in September and the parameters of that presentation should be discussed by the Trust in August.

Laura said she and Ruth have discussed drafting a separate application for the pre-development funds, including a pre-development budget request, so that it is clear what the Trust requires for information and also help define what the developer is seeking. Content of this application could provide direct criteria for evaluation of pre-development funds for projects. A draft application could be brought back to a future Trust meeting.

Attorney McLaughlin said it appeared the Trust may not have an interest in development of the parcel on Mitchell's Way for affordable housing explaining there was a \$25,000 advance that may need to be recaptured at some point. Andy said that the Trust will not be involved in forwarding the parcel for disposition. Chair Ells said he would take this matter under advisement with Asset Management and noted that he would like to see a process where the Trust would only be considering parcels for development that have all issues already worked out at the Town level.

### **Adjournment**

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

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

- Exhibit 1 – Affordable Housing Growth and Development Trust Fund Board Agenda 7/23/21.
- Exhibit 2 – Draft minutes for 7/9/21 Affordable Housing Growth and Development Trust Fund Board meeting.
- Exhibit 3 – Affordable Housing Growth and Development Trust Application - Mid Point Landing \$65,000 Predevelopment Funds.
- Exhibit 4 –E-mail from Mr. Schmiedl, Massachusetts Housing Partnership regarding Trust participation in One + Boston program.

Respectfully submitted,  
Ellen M. Swiniarski  
CPC Coordinator  
Planning & Development Dept.