

TOWN OF WENHAM
Community Preservation Committee
Board of Selectmen
Meeting Minutes of January 29, 2019
Wenham Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Committee members & Board of Selectmen, a meeting of the Community Preservation Committee and Board of Selectmen was held Tuesday January 29, 2019 at 7 PM in the Selectmen Meeting Room, first floor.

- Call the meeting to order - With a quorum present, Ms. Davis called the meeting to order at 7 pm.
Committee present: Harriet Davis, Chair; Arthur Burt, Vice Chair; Natalie Bowers; Denis Curran; Don Killam; Barbara Locke; Leo Maestranzi; Tom Starr; Patrick Waddell
Also present: Jackie Bresnahan, Administrative Support for the CPC; Catherine Tinsley, Recording Secretary
- Call the meeting to order - With a quorum present, Ms. Harrison called the meeting to order at 7 pm.
Board of Selectmen present: Catherine Harrison, Chair; John Clemenzi, Jack Wilhelm
Also present: Peter Lombardi, Town Administrator
Margaret Hoffman, Planning Coordinator; Missy Berry, Conservation and Open Space & Recreation Coordinator
Tony Feeherry, Chair Zoning Board of Appeals; Virginia Rogers, Planning Board member

Public Information

- Recorded with permission by HWCAM
- Meeting Packet

- Minutes

- Review and Approve CPC minutes of January 24, 2019
The Committee voted unanimously to accept the minutes of January 24, 2019.

- Continue Review of Applications for Funding (Presentations Only)
 1. Maple Woods Project
 2. Community House
 3. Town Clerk Dehumidifier
 4. Open Space Trail Map
 - Vote to confirm receipt of all applications received to date

1. Maple Woods, Harborlight Community Partners, Maple Woods Housing, LLC

CPA Funding Request: Community Housing \$750,000

To create affordable housing for fixed income seniors in the community

- CPA application January 23, 2019
- Memo from Special Counsel Adam Counsel, Mead Talerman & Costa, LLC regarding Maple Woods Project Funding Request January 29, 2019

The Board of Selectmen were present for this agenda item.

Andrew DeFranza, Executive Director, presented the application for Harborlight Community Partners.

Mr. DeFranza reviewed that Harborlight previously submitted an application for CPA funds for the Maple Woods project in 2014. There was an appeal on the comprehensive permit which has been in litigation until recently when an agreement was reached between Harborlight and private parties in mediation as a Binding Term Sheet.

It was noted that although an agreement was reached, the Maple Woods project is the subject of litigation in the Superior Court awaiting a final judgment and signatures as of the date of this meeting January 29, 2019.

Should this agreement not go forward a trial date is set for September 2019 and the project would revert back to the original plan i.e. a 65 unit, 3 story building.

Mr. DeFranza summarized the changes in the revised proposal of the project which has been updated to meet the terms of the Binding Term Sheet. The primary changes agreed were to reduce the number of housing units being proposed from 60 units to

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BOS- Approved 07.09.19

45 units, each unit being 650 sq. ft and a reduction in building height from 3 stories to 2 stories which would be moved back an additional 50 feet; this required the property owner to add 4/10 of an acre to the parcel, and it has been agreed to do so. The Maple Woods project is 100% affordable units below 60% median, with an age restriction of 62 and over with staffing on site. All services i.e. trash, plowing etc. are inclusive to Maple Woods.

Mr. DeFranza reiterated that the Maple Woods project would achieve the Town's goal of getting over the 10% of the total housing inventory, defined as affordable, and therefore give the Town more control of future development.

Ms. Davis opened the meeting to the Committee for general questions and comments, noting the Committee would debate the applications at the February 13 meeting.

Mr. DeFranza addressed the following comments and questions from the Committee:

- The reduction of the project to 2 stories from the original 35 ft mansard roof, would likely change to a flat roof with gable ends with solar panels in the middle.
- Age restricted units explained: age 55 requires one person be at least 55 and cannot exclude ages under 18
- Age 62 plus restricts all resident to a minimum age of 62.
- Harborlight's plan to prevent unused medications still remains to have on site unused medication collection containers.
- The timetable to meet Town Meeting is a viable timeline for Harborlight.
- With the reduction of units, Mr. DeFranza confirmed there would be a reduction of services for residents.
- The cost per unit is (about) \$30,000.

There was general support for the project at the reduced size and that this project would get the town over the 10% threshold of affordable housing, and Harborlight was recognized for working with the neighbors as a show of good faith.

One suggestion offered by Mr. Burt was to move the location of the kitchen fan to minimize the noise on the neighbors.

The meeting was open to the Board of Selectmen for comments/questions.

Mr. Clemenzi concurred this was a very important project for Wenham and indicated support for the project.

Mr. Wilhelm was pleased with the compromise with the neighbors and the reduction of size to 45 units and 2 stories, but further noted his concern with the timing of the project. Mr. Wilhelm requested confirmation that Harborlight Community Partners Board approved /accepted the Binding Term Sheet. Mr. Wilhelm questioned when a Definitive Agreement was anticipated and Mr. DeFranza responded final comments have been made on the draft and thought at the end of the week. Mr. DeFranza confirmed no additional contingencies were anticipated other than the Court approval of the Binding Term Sheet, a million dollars in funding from the Town, (CPA and Wenham Affordable Housing Trust) and pending affirmative votes for grant funding.

Ms. Harrison asked for an explanation of the age restriction and the term "70% local preference"

Mr. DeFranza responded that this refers to a community with low minority population and that a regional approach will be taken for applications. He said this calculation is structured by the government through a variety of information but should calculate to about 50% of the units for local residents.

He went on to explain there are two waiting lists that eventually are merged into one list and that any residents that might be interested in living at Maple Woods should apply to get on the initial list.

Ms. Bresnahan was asked to explain how the funding for Harborlight would be appropriated if approved.

- The budgetary reserve fund balance was \$250,000 of which \$200,000 was available for allocation.
- The CPA General Fund Balance and the Community Housing balance was available for allocation.

Ms. Harrison further questioned how an allocation of \$750,00 would impact other applications.

Ms. Bresnahan confirmed that Town Hall Debt is a long-term obligation for the town and included annually in the calculations.

Ms. Bresnahan stated she was in the process of running different funding scenarios.

Ms. Harrison observed the importance of the process to be followed to avoid legal risk to the Town and referenced a memo received by Special Counsel Adam Costa, Esq. Mead, Talerman & Costa, LLC.

Mr. Lombardi reviewed the memo with the Committee in which Attorney Costa cautioned "the Maple Woods project has been and continues to be the subject of pending litigation in the Superior Court."

Attorney Costa also noted the contingencies on term sheet don't bind Committee to recommend funding nor would the Zoning Board of Appeals be required to permit modifications. It was stressed that this is a new application and independent processes The CPC approval needs to include the contingency language:

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- Minimal funding required
- Zoning Board of Appeals permit
- Passage of appeal period
- Dismissal of pending litigation
- Action of CPC relative to the funding will account for this property being Chapter land as the town will have the Right of First Refusal.

Mr. DeFranza was asked to update the application with current information as soon as possible as the original application was of no consequence to the Committee.

Ms. Davis opened the meeting to other attending town officials for questions and comments:

Mr. Feeherry questioned how 45 units was viable. Mr. DeFranza responded that the operating model would change including staffing, capital and one phase vs. two phases. He acknowledged construction would be difficult and expensive.

When asked about the timing of construction, Mr. DeFranza noted it would depend on the state funding but estimated 4 to 5 years before the project as “shovel ready”.

The Town is protected from 40b developments when the comprehensive permit is issued.

The Board of Selectmen unanimously adjourned at 8:02 pm.

Mr. Lombardi and Mr. Wilhelm left the meeting.

Respectfully Submitted By

Catherine Tinsley

1.31.19