

COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS

2020 NOV 23 AM 11:00

February 6, 2020
Mary McElroy Room – McCulloch Building
182 Green Street
Weymouth, MA

MINUTES

PRESENT:

Christopher Hannan, Chairman
Patricia O'Leary
Greg Agnew
Cathy Torrey
Mark Kilban
Ed Harrington
Dan Condon

NOT PRESENT:

Victor Pap

ALSO PRESENT:
Development

Robert Luongo, Director, Planning &

Joseph Callanan, Town Solicitor

RECORDING SECRETARY:

Christine Malloy

Chairman Hannan stated this is the Annual Public Meeting of the Community Preservation Committee as presented by Joe Callanan, Town Solicitor.

COMMUNITY PRESERVATION FUND FY21 BUDGET

Agenda

The Law

Committee Membership

Mission Statement

Expenditure of Funds

Mandatory Set Aside Reserves

Expenditure Categories

Funds Remaining at Year End

FT21 Budget

FY21 Open Space Budget

FY21 Historic Resources Budget

FY21 Community Housing Budget

FY21 Debt Service Budget

King Oak Hill Property Acquisition Bond

FY21 General Reserve Budget

FY21 Expense Budget Summary

Project Updates - Current Open Space Projects

- Whitman's Pond
- Smelt Brook
- Puritan Road Culvert
- Open Space and Recreation Plan Update
- Street Hockey Rink & Parking
- Enhancement of Back River Trail
- Pedestrian Bridge over Herring Run to Lovell Field

Project Updates – Current Historic Resources Projects

- Abigail Adams Historical Society
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- Veteran's Memorial Wall
- Jefferson School
- Preservation of 5 busts & the Mishoon
- Library Historic Collections

Project Updates – Current Community Housing Projects

Completed Projects - Open Space

- Whitman's Pond West Cove
- Emery Estate Marketing Study
- Wessagusset Field
- Bike Racks – Town-wide
- Woodbine Road Land Acquisition
- Herring Run Pool Park

Whitman's Pond Vegetation Plan
Smelt Brook Engineering & Permitting
Bradford Hawes Park Improvements
Birches Playground Improvements
Legion Field & Lovell Playground Design
Puritan Road Culvert
Osprey Overlook Park
Kibby Park
Herring Run Passage – Design
Pond Meadow Park Bike Paths
King Oak Hill Design

Completed Projects – Historic Resources

Fogg Library (exterior & interior)
North Cemetery – Smith Gravestones
Pond Plain Improvement Assoc. (exterior)
Abigail Adams Birthplace – study
Canoe Preservation
First Church Meetinghouse
Town-wide Cemetery Study
Weymouth News and Gazette Digitization
Preservation of Historical Collections
Preservation of Hannah Vinson Sampler
Reed Cemetery Restoration
Legion Field Memorial Wall
43 Bicknell Road Archeological Study
Abigail Adams House (exterior)
Library Historical Collections Preservation

Completed Projects - Community Housing

721 Main Street
Tammy Brook Apartments – King Avenue
J Crehan – replacement windows
Housing Production Plan

Total CPA Spending Since FY06

Fund Balances at of 12/31/2019

FY20 Budgeted Reserves Available Balances as of 12/31/19

Request for Funding

Application Procedure

REQUEST FOR FUNDING TO ACQUIRE 420R WASHINGTON STREET, PARCELS 25-328-4, -10, -11, and -12

Solicitor Callanan requests not more than \$200,000 to acquire 13 acres of land behind 420 Washington Street. The funds will pay for purchasing the mortgage on the land, legal costs to foreclose on the property, and the services of a real estate consultant who helped facilitate the transaction. See attached map for location of the parcels. Also included are a previously approved subdivision plat and a development plan approved by two Town boards in the 1980's.

As some of you may know, the Town of Weymouth is probably the only community in the state protected from the state's affordable housing law, chapter 40B, because more than 1.5% of the Town's land area is devoted to affordable housing. In September 2003, the state's Housing Appeals Committee (HAC) rules the Town proved the minimum 1.5 % land area safe harbor applied to Weymouth. This land area safe harbor, different from the more well-known 10% of housing stock safe harbor, means the Town does not need to entertain unfriendly 40B projects as many communities must face.

But, new rules from the state threaten that protected status. We argue these rules do not apply to us because the methodology of the 2003 HAC decision controls. The state's response to our argument has been that the Town should acquire more land for affordable housing. While we will continue to fight to protect our already established safe harbor, we also want to work with the state on their terms. Acquiring these 13 acres should place us at least one acre over the land area safe harbor, even under their new rules that we say do not even apply to us.

The Town's efforts to promote affordable housing. Instead of unfriendly 40B projects, Weymouth has been better able to control production of affordable housing rather than relying upon private developers and the state to dictate to local officials and residents what is best for the Town. Under Mayor Robert L. Hedlund, we produced a Housing Production Plan (HPP) that the Town Council and the state's Department of Housing and Community Development (DHCD) approved. We completed the plan, which contains substantial public input, including more than a thousand responses to our survey. The HPP outlined needs, strategies, and specific areas for smart development, which we are currently implementing.

We also changed local zoning to include mixed commercial and residential developments in our commercial corridors, such as portions of route 3A, 18 and 53. The state designated the Town a Housing Choice Community based on production of over 1,000 housing units in past five years. Lately, we have been studying Lakeview Manor for possible redevelopment of affordable units and creation of new housing, including working with the Housing Authority to issue a request for proposals (RFP) that is presently open to respondents.

The land to be purchased. This funding request is the next step in the Town's effort to effectively produce and control affordable housing in the Town. Thirteen acres of vacant land behind 420 Washington Street, near the intersection of Route 18 and 53, is a large formerly approved subdivision where a developer previously proposed 165-units of mixed income

housing. The Board of Zoning Appeals (BZA) and Conservation Commission (ConComm) approved the affordable housing project in 1988.

However, the project never went forward. The bank foreclosed on the property, and then sold the land. The new owner then fell behind on their taxes. For the last four decades, the land has been vacant with no great interest by anyone in developing the property. We do not want another decade of nothing happening on this property.

The unpaid taxes are now more than \$1.3 million. The extent of potentially hazardous waste contamination from suspected Fore River Shipyard dredge spoils is unknown. Estimates based on the preliminary assessments for clean-up costs are several millions of dollars. Those two expenses make a typical development on the site extremely unlikely. The Town anticipates applying for Federal or state funding for an environmental assessment. But the developer would be responsible for the final clean-up costs after we complete initial assessments.

Why acquire the land. We would acquire this land to develop more affordable housing. We have no set development plan and no identified developer. We intend to have community meetings to hear from residents, abutters, and community leader about what type of development Weymouth would like to see on this land as well as take into consideration the recommendations detailed in the HPP. We would then include those concerns as conditions in a future RFP for later development of the land.

We could envision a development plan similar to, but not exactly like, the affordable housing proposal from the 1980's. We realize things are different in Town than they were more than thirty years ago, which is why we are committed to a public planning process and a robust competitive and informed RFP process. A proposed project would include a mix of incomes with at least 25% of the units being affordable to households earning up to 80% of the area median income.

Mr. Callanan stated Weymouth is the only community that is eligible to be exempt from 40B. The request is for \$200,000 for four parcels of land behind Monahan Marine, the taxes owed on the land are over \$1.3 million. Hazardous waste and ceiling tiles have been dumped on the property. EPA representatives re excited to have a hazardous waste professional figure out exactly what is there and how much to clean the site. \$200,000 to buy the mortgage and go through the mortgage, take position of lender and buy the note and take position as owner of mortgage. Take title, figure out hazardous waste, have developer clean up parcels, figure out affordable housing, and we still have 1.5% affordable housing.

Chairman Hannan asked will the total be 13 acres? Mr. Callanan answered yes. Chairman Hannan asked are you certain this will work with guidance from EPA? Mr. Callanan answered there is no guarantee; but with guidance from EPA the developer can clean up with state and federal help. RFP goes out to bid for clean-up. No guarantee, unconventional way to obtain land. Land has been vacant for close to 30 years. Chairman Hannan how do we mark as affordable? Mr. Callanan stated accept land process to foreclose and have title in June. Take by eminent domain then put affordable housing restriction on it.

Mr. Harrington asked how did we dump tiles on the land if we don't own the land. Mr. Callanan stated the contractor dumped them.

Mr. Harrington asked what are the guidelines by stated to be in compliance? Mr. Callanan stated it's a moving number; two years ago we were a few acres short. Two years ago, we were less than ten acres short.

Mr. Kilban stated \$1.3m in unpaid taxes, how long has it been going on and why this long? Mr. Callanan stated it's a lean and since 1991. If she tried to sell, she would have to clean the parcel and pay the taxes.

Mr. Harrington stated when people don't pay taxes; they do get paid when someone buys the land.

* letter from Maureen Kiely type into minutes letter of support

Ms. Torrey made a MOTION to APPROVE THE REQUEST FOR FUNDING. Ms. O'Leary SECONDED the MOTION. Discussion.

PUBLIC COMMENT

Bob Montgomery Thomas
20 Humphrey Street, Unit 8
Weymouth, MA 02189

February 6, 2020

To the Community Preservation Committee

Mr. Chairman

I'd like you to ask the solicitor, or me through you, what the statutory, if any, definition of affordable housing is and how affordable housing compares to Section Eight Housing and how affordable housing also compares to low income housing. There seems to be some confusion on the issue since the administration is doing all that it can to thwart a pending 40B development that will have 17 affordable units.

The 40B proposal will add appreciably, 67 units, to Weymouth's housing stock to help the town get to the 563 units that the Housing Production Plan of 2017 said Weymouth needed. Ch. 40B is not Section 8 as many people think though Section 8 applicants cannot be denied if they meet established criteria.

I would also like to know what income guideline the administration uses to determine affordability. The planning director repeatedly refers to Boston's median income of \$113,000 as the Weymouth benchmark while the Census Bureau reports Weymouth's median income as \$76,000 in 2017 dollars. That's a \$37,000 differential that severely limit existing Weymouth residents.

That same US Census Bureau reports that almost seven percent of Weymouth residents are living in poverty with the greatest number of them comprised of women between 45 and 54 years of age. Is this request for CPA funding going to do anything about the real housing problem in Weymouth?

Harry Castleman
25 Hyde Street

Mr. Castleman stated it's a good idea, let's do it.

Mr. Harrington stated he is in favor so the town can have control. Mr. Harrington also wanted to extend that he spoke with Matt Tallon and he is in favor as well.

MOTION: Vote: Motion passes, UNANIMOUSLY VOTED.

MINUTES

Mr. Condon made a MOTION to APPROVE the minutes of January 9, 2020. Ms. Torrey SECONDED the MOTION. It was UNANIMOUSLY VOTED.

OTHER BUSINESS

Mr. Luongo stated the following amounts are monies that need to be transferred back into the Unreserved Fund balance account.

Open Space/Recreation

Mr. Condon made a MOTION to APPROVE the transfer of \$5,456.23 into the Unreserved Fund balance account 49080006 from the Whitman's Pond Vegetation Management. Mr. Harrington SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Condon made a MOTION to APPROVE the transfer of \$50,420.25 into the Unreserved Fund balance account 49080006 from the Pond Meadow Bike Path. Mr. Harrington SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Housing

Mr. Condon made a MOTION to APPROVE the transfer of \$10,000.00 into the Unreserved Fund balance account 49080008 from the matching funds for MA housing grant. Mr. Harrington SECONDED the MOTION. It was UNANIMOUSLY VOTED.

PROJECT UPDATES

Puritan Road

Essentially complete.

Stella Tirrell Skate Rink II

Final bills are paid.

Smet Run

Feasibility analysis complete.

Great Esker Park

Matching funds for trails grant – work at entrance to Esker.

Pedestrian Bridge

Underway.

Veterans Wall

Reseed grass area.

Flag and Sampler (pieces from library)

Waiting for bills.

OTHER BUSINESS

Chairman Hannan stated he would like to see the community need as they were established in FY06:

- Recreation/Open Space are one category
- Community Housing
- Historic

Chairman Hannan stated this committee will reflect on the list and add to the list at the next meeting.

NEXT MEETING

The next meeting of the CPC will be held on March 5, 2020.

ADJOURNMENT

Mr. Condon made a MOTION to ADJOURN at 8:15PM. Mr. Kilban SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Approved:
Hannan, Chairman

Christopher

Dated:

October 1, 2020