

COMMUNITY PRESERVATION COMMITTEE
RECORD OF MINUTES AND PROCEEDINGS
NOVEMBER 8, 2007

PRESENT:

Walter Flynn, Chairman
Arthur Mathews, Vice Chairman
Tom Curtis
Brian O'Halloran
Christopher Hannan
Stephen Ford
James Cunningham
Lawrence Lambros

NOT PRESENT:

Adrienne Gowen, Clerk

ALSO PRESENT:

Robert Luongo, Economic Development Planner

RECORDING SECRETARY:

Christine Callbeck

Chairman Flynn called the meeting to order at 7:00PM and noted that Adrienne Gowen would not be present. Ms. Gowen's husband passed away this past weekend. Chairman Flynn asked for a moment of silence.

MINUTES

Mr. Mathews made a MOTION to APPROVE the Open Session minutes of October 4, 2007. Mr. O'Halloran SECONDED the MOTION. UNANIMOUSLY VOTED.

Mr. Mathews made a MOTION to APPROVE the Executive Session minutes of October 4, 2007. Mr. O'Halloran SECONDED the MOTION. UNANIMOUSLY VOTED.

Mr. Mathews made a MOTION to APPROVE the Open Session minutes of October 11, 2007. Mr. Curtis SECONDED the MOTION. UNANIMOUSLY VOTED.

Mr. Mathews made a MOTION to APPROVE the Executive Session minutes of October 11, 2007. Mr. O'Halloran SECONDED the MOTION. UNANIMOUSLY VOTED.

Mr. Hannan made a MOTION to APPROVE the Extracted Woodbine Road minutes. (Does not include items mentioned in Executive Session on October 11, 2007.) Mr. Curtis SECONDED the MOTION. Discussion. Mr. Mathews cautioned that the members should wait until all members make sure all quotes are in the extractions. The MOTION was WITHDRAWN.

PROJECT UPDATES

Mr. Luongo reported:

Abigail Adams – the Planning Department has received the scope of services and they are ready to go forward. Mr. Mathews asked Mr. Luongo to please provide all members with a copy of the scope of services. Mr. Luongo will e-mail them to all members.

Cemetery Commission – they are ready to award the contract. Mr. Luongo spoke with Mr. O'Connor at DPW who indicated that the CPC needs to approve the consultant's contract. Chairman Flynn questioned the fact that the CPC must approve the contract. Chairman Flynn suggested Mr. Luongo move forward without the approval of the contract.

Fogg Library – McKinnen, McKinnen and Taylor Architectural Firm will undertake the project.

Bike Racks – the project is all set – Town is awaiting delivery of the bike racks.

Woodbine Road – going through the process of approval. Chairman Flynn asked Mr. Luongo about the requirement to place the land into a trusteeship? Mr. Luongo was unaware of the requirement. Mr. Mathews stated that he spoke with Solicitor Lane on this matter. Mr. Mathews stated that he will call Stuart Saginor at the Community Preservation Coalition regarding the procedure other towns have followed on this type of matter. Chairman Flynn stated that Mr. Mathews does not need to call; Chairman Flynn will ask Mr. Saginor when he sees him Saturday next.

PRESENTATION BY HARVEY WELCH FOR ZERO POND STREET

Mr. Welch proposes that the Town acquire the Zero Pond Street parcel for conservation/open space use. Mr. Welch showed members a map of how the land used to look when he first moved into the area. Eight houses have been built since he moved into the area. Mr. Welch stated that water now comes down Pond Street in a southeasterly direction. South Suburban Affordable Housing proposes to build within the 100-foot wetland buffer. From Route 18 to the Abington Town Line, Pond Street is all R1 zoned. Mr. Welch, with his proposal to purchase the land and keep it as open space, wishes to maintain his property and the area as it used to be.

Mr. Ford asked how much of the land is wetland. Mr. Welch answered 4.25 acres. Mr. Mathews asked where Mr. Welch came up with his cost estimate for the purchase. Mr. Welch stated that he has seen the Purchase and Sale Agreement between Tedeschi and South Suburban Affordable Housing. Chairman Flynn stated that he has spoken with Mr. Clarke, who has spoken with the owners of the property, and there is a current and still standing Purchase and Sale Agreement in place as of today. Mr. Welch stated that the P&S that he had seen expired before today's date. Mr. Ford stated to Mr. Welch that if such time came that SSAH cancelled its agreement with Tedeschi to purchase the land, the information he provided tonight would be used to have the CPC decide whether to purchase the land for open space. Mr. Mathews stated that he would like the Committee to request a copy of the current P&S Agreement.

PRESENTATION BY SOUTH SUBURBAN AFFORDABLE HOUSING FOR ZERO POND STREET

Mr. Roland Moussally, Director, Weymouth Housing Authority

Mr. John Riley, President, South Shore Affordable Housing, Casandra Road, N. Weymouth

Mr. Mike Jacobs

Mr. Don Sheehan, 145 Bald Eagle, S. Weymouth

Mr. Moussally stated that he has already presented this proposal before the Committee. Mr. Moussally stated that he has heard that some questions have arisen regarding the statements he has made and he would like everyone to know that his answers are true. Mr. Moussally stated that he is pushing this application through all the proper channels in the Town. It is a good project for the Town. 70% of the units are reserved for people that live, work and reside in the Town of Weymouth. The request for funding is to help alleviate the increased costs due to the protracted negotiations for approval and the conditions levied against SSAH by the several Town agencies. In all of the studies he has done, SSAH is not going to make the situation any worse; but it will make some improvements. Mr. Moussally stated that he brought some people here with him tonight that he hopes can help him answer the questions that the Committee has.

Mr. Riley stated that SSAH was formed to provide housing for people who work in Weymouth and cannot afford to live here. Mr. Riley further stated that no one on the SSAH Board gets paid for its work for the town. Water and environmental issues have been handled by other Town agencies. SSAH has received all the necessary permits and made all the necessary changes that the Town agencies required.

Mr. Moussally stated that CPC funds can be used for new construction. Mr. Moussally stated that he received a low asking price for the property because Tedeschi believed in the project.

Mr. Ford asked what portion would be Section 8. Answer – only 6 units are Section 8. Mr. Ford asked why put a 40B project in a residential area, when there is other land available. Mr. Jacobs stated that the SSAH discussed this project with the Planning Department and this parcel was shown as a nice transition zone. The building is set back 500 feet from the road and near the commuter rail line. Mr. Ford commented that 4.25 acres of wetland equals about 28%, and isn't that close to the 30%. Mr. Jacobs stated that there were 67 conditions put forth by the Conservation Commission and SSAH has abided by each one. Mr. Lambros asked how SSAH would facilitate the 70% Weymouth residents. Mr. Jacobs stated they would set up two pools. Mr. O'Halloran asked how this project provides open space. Mr. Riley stated the units take up a small portion of the land and the remainder is left as open space and can't be built upon. Mr. Moussally described how the two pools would work.

Mr. Mathews stated that at the October 11, 2007 CPC meeting he made a request to have all questions from the October 4, 2007 meeting gathered and SSAH asked to provide a written response which would be ready to be read at the next meeting. Mr. Moussally stated that he felt most of the questions were redundant and already answered on the evening he made his proposal. Mr. Mathews stated that he wishes Mr. Moussally came tonight with answers. Mr. Mathews stated that this project began before the CPC was in existence. Mr. Mathews asked what were the chances of this project succeeding without the funding from the CPC. Mr. Jacobs stated that

after the delays and legal proceedings, it will make it difficult to see the project go through without CPC support.

Mr. Curtis asked the Chair if he could read a statement that he has prepared. Chairman Flynn said yes.

Mr. Curtis stated:

Sometime ago, we on the Weymouth Community Preservation Committee were asked to consider funding a portion of a project that was destined to construct affordable units of housing for those unable to provide entirely for themselves and which is scheduled to occur on Pond Street in South Weymouth, on the Abington town line, in a portion of our town zoned strictly for single-family residential usage. That zoning issue is not for discussion at this time but rather the Committee's partial funding of said project is.

Comments made in support of this project convinced the Committee that this was to be a worthwhile project as it was stated that affordable housing units in Weymouth, although the town had reached and even exceeded its state mandated quota, were in short supply and very much needed. However, conversations that I have had with a former member of the Weymouth Housing Authority (WHA) suggest strongly that this alleged need for affordable housing units in Weymouth is a fantasy. I have worked with this former member of the WHA and, as a member of the community in general and a successful Weymouth businessman in particular, I have a great deal of respect for him and his judgment.

There was some confusion generated by facts and comments made in support of the need for this project at the time of its presentation to this Committee. When a project is proposed and presented to this Committee, we must be made aware of all aspects of said project. We, I feel, were not. Some aspects of the project may have been inadvertently kept from us but it would appear that many potentially negative facts and aspects were deliberately kept from us – and this I cannot abide.

In sum, I feel that, at least at this time, an affirmative vote for partial funding of this project would be an improper vote. I therefore, would vote against any funding in support of this project.

Mr. Moussally stated that when his integrity is challenged he gets upset. Mr. Moussally stated that if the figures he quoted are in question, he would be happy to show the Committee where he got his information. Mr. Moussally stated that he too has a lot of respect for the person whom Mr. Curtis is referring; however, he feels this is misinformation. Mr. Curtis stated that he thinks Mr. Moussally misinterpreted his comments. Mr. Curtis stated that the CPC was lead to believe certain things that were said at that meeting and they were not necessarily lies, they might have been stretches of the truth. Mr. Curtis stated that in the letter from Mr. Moussally tonight it states "SSAHI plans to provide an occupancy preference for Weymouth residents for 70% of the units." That fact has been disputed tonight because 70% of the units need not be necessarily Weymouth residents but even siblings or sons and daughters of Weymouth residents.

Chairman Flynn stated what he heard: 24 units being proposed, 6 of them are Section 8, and of the remainder, 70% of affordable housing will remain preferential for Weymouth residents. The 70% will only not be met if fewer than 18 applicants from Weymouth apply. Chairman Flynn believes that there will be sufficient applicants. Mr. Lambros asked if the Weymouth preference would be advertised. Mr. Moussally stated yes, absolutely. Mr. Ford stated that he did not vote for this project the first time and he will not vote for it tonight. Mr. Ford stated that the reason is, this act was voted for by the residents and is paid for by the residents and there is a group of residents being hurt by this project.

PUBLIC COMMENT

Chairman Flynn advised the public that the Committee is about to enter the public comment period. Chairman Flynn stated that comments tonight will address CPC funding for Zero Pond Street only; no sidewalks, no retention ponds, no crosswalks, etc. Only items which are funded by the CPC will be discussed.

Harvey Welch
634 Pond Street

Mr. Welch stated that this property is literally unmarketable. The parcel backs up to a strip mall and tractor trailer lot. If you were a “home buyer,” you would not build there. Mr. Welch stated that the reason why he is here tonight is 40B. This is unmarketable residential property.

Kevin Spellman
450 Pond Street

Mr. Spellman stated that he lives .25 miles from the project. Mr. Spellman offered a history of this project. He stated that Mr. Clarke introduced Tedeschi to SSAH and that it is irresponsible of SSAH to ask the CPC for \$440,000 when they don’t even have a key to a door. Mr. Spellman stated that this is unjust enrichment.

John Wayne Smith
595 Pond Street

Mr. Smith has been a resident of Weymouth for over 30 years. He has been to every meeting regarding this project. The drainage solution that SSAH offers is not going to work after five years. Chairman Flynn stated that Mr. Smith needs to stay on the topic of CPC funding for this project only. Mr. Smith stated that \$440,000 of taxpayer’s money should not be used for this project. CDBG gave SSAH \$260,000 – should this project be solely supported by taxpayer’s dollars. Mr. Smith stated that Tedeschi owns both pieces of land and bought them for \$150,000. Mr. Smith would like to see these plans accepted and approved by all boards in town before the CPC expends funds toward this project. Mr. Smith stated that he is a plumber and the conversion to the new pipe size proposed by SSAH will not solve the water issues at Pond Street.

Mike Jacobs
SSAH

Mr. Jacobs stated that the only way that SSAH can begin to build is after they have received building permits and plans.

Janice Gonzales
619 Pond Street

Ms. Gonzales stated that she has been in contact with a 40B lawyer and he informed her that it would not be necessary for SSAH to ask the CPC for funds; there are ample places to obtain funds by SSAH. Ms. Gonzales stated that the neighbors cannot afford to get a 40B lawyer. A 40B does not have to follow the same construction laws. Regarding the 100 foot buffer to the wetlands, a 40B does not have to go by the 100 foot buffer laws. The wetlands deserve to be protected. Ms. Gonzales stated that she personally cannot live with herself without trying to do something to help the neighborhood.

Joe Selini
606 Pond Street

Mr. Selini stated that the SSAH gentlemen made a mistake; they picked a lot that was very difficult to work with. Subsequently the costs went from 2 million to 5 million; they put this cost on themselves by trying to put the project where it is. The \$440,000 is going into a hole to pay for their mistakes. The CPC will bail them out if it gives them the funds.

Kevin Spellman
450 Pond Street

Mr. Spellman stated that in 1966 he came here at 10 years old and he was a product of welfare. Mr. Spellman stated that he owns millions of dollars of property in this Town and he obtained it all via the education and spirit his mother instilled in him. Mr. Spellman suggested the Committee give funds to education. Think about what the CPC is giving the funds to.

John Wayne Smith
595 Pond Street

Mr. Smith suggested SSAH obtain some of the properties to be auctioned off in the Town or a parcel of open space from the Town in which to build their affordable housing project. Mr. Smith stated that it is part of the SSAH decree that states that they have to look for abandoned or tax foreclosure property. Mr. Smith asks the Committee to ask SSAH to look in other areas in Town to build.

Harvey Welch
634 Pond Street

Mr. Welch stated that he cannot understand why an unmarketable piece of property would be used to try and house poor people and people that are disadvantaged when no one else would think to move into this property. Chairman Flynn stated that the Committee is not talking about

poor people or disadvantaged people. Chairman Flynn stated that the Committee is talking about people that do not qualify for homes elsewhere unless it is under affordable housing conditions.

Janice Gonzales
619 Pond Street

Ms. Gonzales stated that affordable housing does not help residents that much.

Joe Selini
606 Pond Street

Mr. Selini stated that two of these projects could be built in a more efficient manner than this one is. The issue is the land SSAH picked.

Harvey Welch
634 Pond Street

Mr. Welch asked doesn't a Section 8 person have to be poor to be deemed Section 8? Chairman Flynn stated that he does not know what the definition of poor is. Mr. Moussally stated that \$20,200 is the cap for a single person and a family is capped at \$25,250 for the Section 8 requirements.

Mr. Mathews stated that this is a 40B discussion we need to stay focused on whether or not this project gets CPC funding. Mr. Mathews further stated that this Committee will not stop the project from going forward.

Mr. Mathews stated that he has two questions regarding the funding proposal sheet. First question is \$80,000 for landscaping. Mr. Mathews stated that he would like to have an elaborate explanation as to what is going to be provided for \$80,000 worth of landscaping. A second question is the developer fee of \$632,500; Mr. Mathews would like to have a detailed explanation of what this developer does for the \$632,500 fee.

Mr. Jacobs stated that if the expenses go higher than projected then the reserve dollars are put into the project so that they don't have to worry about foreclosures and that sort of thing.

Mr. Mathews stated for clarification that the answer was the money does not go to a developer per se.

Mr. Jacobs stated that some of the money will remain with SSAH but the majority goes toward the reserves.

Mr. Mathews asked why a contingency fee of \$156,000 and why a contingency fee for soft costs of \$33,000.

Mr. Jacobs stated that these fees are standard. SSAH will have a construction and permanent lender. During construction, the lender will want 5% of construction costs, 3% lender and funds to cover reserves deficit.

Mr. Mathews stated that the interest rate is 5%; is SSAH content with that rate?

Mr. Jacobs stated that SSAH will float a tax exempt bond.

Mr. Mathews asked Mr. Jacobs to explain the \$80,000 landscaping costs.

Mr. Jacobs stated that he is aware that there will be a lot of landscaping along the truck stop.

Mr. Lambros asked if this project will be a turnkey situation for Weymouth Housing Authority.

Mr. Jacobs stated that originally Tedeschi was going to build the project and sell it to SSAH. Now Tedeschi is selling the land to SSAH who will develop the project and Weymouth Housing Authority will manage the property.

Mr. Lambros stated 5 million to build; where does the monthly income go? What is the monthly income?

Mr. Jacobs stated roughly \$20,000 per month. The \$20,000 goes to maintenance, expenses and operating debt mortgage. Cash flow is \$8,700 per year.

Joe Selini
606 Pond Street

Mr. Selini stated that there is something wrong with only bringing in \$20,000 per month. Mr. Selini asked the Committee not to give SSAH the funding.

John Wayne Smith asked the board if they have resolved the issue with making developers who come before the CPC notifying the abutters of the project before they ask for funding.

Chairman Flynn stated that he received the answer on this question from Stuart Saginor of the Community Preservation Coalition. The answer is:

The CPC is not a regulatory board, so there is no requirement to notify abutters and it has never been done, to our knowledge.

Any project funded by CPA has to go through the normal approval process in Weymouth, so the project will have to go before the regulatory boards such as Conservation Commission, Planning Board, BZA, Board of Health, etc. If they have requirements to notify abutters, it would happen at that time as part of the approval process for the project construction.

CPA is just a FUNDING source for a project, not the approval of the actual construction of a project. That approval follows the normal procedures in your community.

Stuart Saginor

Chairman Flynn stated that CPC is not a regulatory agency therefore the CPC cannot require anybody to do anything. CPC cannot tell a developer that they have to notify abutters. Chairman Flynn stated that the Committee has taken Mr. Smith's comments and the majority of the other comments into consideration and have tried to provide a detailed agenda in advance of each meeting so that the public knows what is going on.

PUBLIC COMMENT CLOSED

NEW BUSINESS

Chairman Flynn stated that he would like members to take the information this evening and process it. Chairman Flynn stated that he would like to take a vote when the abutters are present.

Mr. Mathews made a MOTION to go into EXECUTIVE SESSION for the purpose of considering the purchase, exchange, lease or value of real property, and to reconvene in OPEN SESSION. Mr. Hannan SECONDED the MOTION and on a roll call vote it was UNANIMOUSLY VOTED.

EXECUTIVE SESSION

Mr. Lambros asked the board if he should step down so that the new Mayor can appoint someone else to the Committee. Mr. Mathews stated no, Mr. Lambros should continue to work out his term.

NEXT MEETING

The next meeting of the CPC will be held on December 6, 2007 at 7:00PM.

ADJOURNMENT

At 9:35PM, there being no further business, a MOTION was made by Mr. Mathews to ADJOURN and was SECONDED by Mr. Curtis. UNANIMOUSLY VOTED.

Approval:

Walter H. Flynn, Jr., Chairman

Date: