

Provincetown Community Housing Council

Remote Meeting Town Hall ↻ 260 Commercial Street

March 29, 2021

1:03 p.m.

Members Present: Kristin Hatch, Paul Richardson, Michael Litvin

Staff: Community Housing Specialist Michelle Jarusiewicz, Assistant Town Manager David Gardner, Town Planner Thaddeus Soule

NOTE: THIS IS A REMOTE PARTICIPATION MEETING

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, the Governor's March 23, 2020 Order imposing strict limitation on the number of people that may gather in one place, and Chapter 53 of the Acts of 2020, this meeting of the Provincetown Community Housing Council will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Provincetown website, at <https://www.provincetown-ma.gov/>. For this meeting, members of the public who wish to listen and participate in the meeting may do so in the following manner:

To participate in this meeting, dial **(833) 579-7589**.

When prompted, enter the following Conference ID number: **823 031 63 #**

Quorum Roll Call:

| | | | |
|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Public Statements: Doug Dolezal stated that he would be happy to do his comments after the IZ amendment discussion. Ms. Hatch said that he could do both. Mr. Dolezal thought best to limit the conversation and wait until after.

Kristin Hatch MOVE to take Item #3 out of order; Paul Richardson second, approved by roll call 3-0:

| | | | |
|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Agenda item #3 Zoning By Law Amendments

Mr. Gardner stated that the Planning Board public hearing [PH] is now 4/22/21; only the Inclusionary Zoning [IZ] proposed amendments have direct impact on housing. The proposed amendments clarify the bylaw, but he does not think it fundamentally changes the bylaw. It will clarify language related to the roles of the Planning Board and the Community Housing Council [CHC]. The CHC has authority over affordable housing permits and the Planning Board issues Special Permits in consultation with the CHC. Existing language could create opportunity to be inconsistent or disagree. Intent is to have the CHC send determination of affordability mix to the PB to be incorporated into the Special Permit which gets recorded. Ms. Hatch asked if there is potential for language changes at then public hearing. Mr. Gardner said yes, but proposed language changes can lead to confusion and often failure.

Mr. Richardson inquired about the document of proposed changes for PH originally scheduled for 4/8 and now 4/22? Ms. Jarusiewicz said that they were given the language that is on the 4/22 PH. Mr. Gardner stated that the 4/22 language is what will go to Town

Meeting. Ms. Hatch said that the CHC doesn't write bylaws; it is the PB area of expertise. Mr. Gardner said that the language was originally drafted January 2020, but due to Covid was bumped to 2021.

Mr. Litvin said he is new to the CHC and asked what the CHC's role is? Mr. Gardner said inclusionary zoning is a town-wide housing policy. The CHC can present comments or individuals can attend the hearing and provide comments along with at town meeting. Mr. Gardner said ultimately would like the CHC recommendation as it involves them. The CHC can recommend, not recommend, or reserve recommendation.

Members discussed with staff res 1 district, incentives, subdivisions, and the determination between different affordability levels. Mr. Gardner said that it removes PB from that discussion; it's under CHC. The PB determines number of units which impacts the number of AH/CH units but CHC determines the affordability levels. Ms. Hatch said that she is grateful for the clarification; it has been about 3 – 4 years under IZ. We can make changes in the future. Mr. Gardner said that there was an attempt in 2019 to amend but the PB thought the bylaw was too new. It has been reviewed line-by-line with Town Counsel.

Ms. Hatch stated that the CHC is not the PB but thought clarification of the CHC role is very important. She asked Doug Dolezal for his insight as he has put a lot of time into this. Mr. Dolezal said that he appreciates all the work and the Town support for IZ. He has worked elsewhere under IZ. He thought the amendment started in the CD Department and then went to the PB; the CHC should support some changes. The section at issue for him is the density bonus. He believes that the formula change will reduce the affordable housing opportunities and that there is confusion about height. Discussion about height and 3rd story incentives. Mr. Dolezal stated that height and 3rd story are related but different and can be contradictory. Through ADU, more than 1 unit can be allowed in Res 1 district. Mr. Gardner agrees that an ADU could be added to square footage. IZ applies to all zoning districts and applied to Harbor Hill [HH] which was a pre-existing non-confirming property. HH went through IZ and is consistent with the IZ bylaw.

General discussion about IZ, bonuses, HH, and standards. Ms. Hatch asked if wanted a 40B development in Res 1, would it be prohibited? Mr. Gardner said no, the requirements under MGL 40B are different.

[Note Mr. Gardner leaves about 2:02 for another meeting]

Mr. Dolezal said that he supports preserving hotels and motels for multiple reasons but the bylaw should be implemented to preserve and not penalize affordable and community housing. He said that it has been proven in urban studies that mixed use works best, housing

3. Zoning By Law Amendments

Article ___ Zoning Bylaw Amendment: Inclusionary and Incentive Zoning Bylaw. (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4 Special Regulations, Section 4180 Inclusionary and Incentive Zoning Bylaw [see notes]

Explanation of Article ___: This article intends to cleanup, clarify and simplify the incredibly complicated Inclusionary and Incentive Zoning Bylaw. Since its adoption in 2017, the Inclusionary Bylaw has been applied on several occasions now, and each application requires a great deal of town counsel input along with many staff hours trying to interpret and apply the bylaw standards as well as its incentives. The intent was not to fundamentally change the intent or the result of the bylaw, but rather to simplify the approach to assist everyone in its implementation, including the housing developer, staff and Planning Board members. In summary, the changes include:

- Clarifying that all Inclusionary Projects must provide a minimum of 1/6th or 16.67% inclusionary contribution whether it be through the provision of units in the overall development or in the payment of an in-lieu fee to the housing fund.
- Simplifying the payment in-lieu process.
- Simplifying the density bonus by removing the complicated reference to incrementally adding density units.
- Removing references to density bonus within the Res 1 District which is a single family zone.
- Clarifies the incentives available once the minimum 1/6 provision is met, including being specific as to the types of dimensional relief available to the Planning Board.
- Clarifies the fee reduction bonus, allowing the building permit fees for all deed restricted units to be waived.
- Clarifies the duplicity of approvals required for the determination of the income level of deed restricted units. Article 6 states that the CHC determines affordability levels, but inclusionary added the Planning Board the ability to make the same determination, allowing for the opportunity for the two boards to be inconsistent or not agree.

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& economic development. Supports paragraph C fee decrease; does not support removing the streamlining process; it is an arduous process. Suggested creating an Advisory Board. Ms. Jarusiewicz stated that the Town is not at 10% under the state's subsidized housing inventory [SHI], close, but never have been and we are losing a few units that have expired.

Mr. Dolezal said that IZ is the only bylaw that provides incentives to developers to build affordable housing. Ms. Hatch said that the CHC has a lot of fish to fry. She is not sure people are trying to do IZ, thinks IZ is an important strategy but doesn't net enough; not sure that the changes will hurt us. Mr. Dolezal stated that embracing private equity is the most important tool. Mr. Richardson stated that he is not convinced that the changes will lead to less activity incentivizing affordable and community housing; he is not inclined against the changes. Mr. Litvin said that he is in favor of IZ and ways to incentivize private developers to create more affordable housing; it is worth a try. We can amend again if it doesn't work. He is favor of the proposals. Mr. Dolezal said that it is a roadmap to pay attention to and that he supports certain sections like the density bonus.

Ms. Jarusiewicz stated that the CHC can take action or not for the public hearing and for town meeting. Ms. Hatch said let's take a breath and return to discussion at end of this meeting.

Agenda item #2 CPA Applications:

Ms. Hatch stated that the Community Preservation Committee had recommended 4 housing articles to move forward.

2. CPA Housing Applications

CPA applications were submitted by December 30th. The Community Preservation Committee [CPC] held a public hearing on Feb. 22nd. The amounts listed below are as recommended by the CPC. CHC may vote to recommend. There are 4 housing applications moving to ATM:

Housing Office \$28,008
Homeowners Assistance \$100,000
AHTF \$100,000
CC5 Development \$20,000

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2. CPA: Housing Office \$28,808

The \$28,008 request is for 25% of the Housing Office
The Provincetown Community Housing Office, including the Housing Specialist, was created under Article 9 at the April 2007 Annual Town Meeting with Community Preservation Funds for the provision of direct staff support for housing activities including support of the Community Housing Council. Traditionally, CPA funds have been used for the Housing Office; originally 100%. In FY 2018 & FY 2019, half of the housing budget was folded into the Town's general budget for the creation of the Housing and Economic Development Office; and half continued through CPA funds. For FY 2020 & FY 2021, the CPA share was reduced to 25% and 75% in the Town's general budget. This proposal continues that split with 25% under CPA and 75% under the Town with the health benefits in the Town's budget. Total budget is \$104,031 with benefits in the Town's benefit line.

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General discussion about new pilot program and how it would work. Ms. Jarusiewicz indicated that she had already received calls of interest after article in the newspaper. Members questioned oversight and review process. Application was submitted by Housing Office, not the CHC. Ms. Hatch thought it should have been discussed with CHC first. She would like future agenda item with report and balances for all the programs.

2. CPA: Homeowner's Assistance \$100,000

The Housing Office proposes a pilot program offering eligible year-round Provincetown property owners up to \$5,000 to address property repairs and/or assessments for such, through a forgivable interest free loan over ten-years. Priority will be given for emergency repairs, such as failed plumbing or heating. If the owner continues to live in the home for more than 10 years, the loan is forgiven; if the owner sells or transfers the home in less than 10 years, the owner will be required to re-pay a pro-rated portion based upon the amount of time that the owner lived in the home. This is modeled after the down-payment and closing assistance program. Many homes in Provincetown are condominium form of ownership. All of the deed-restricted ownership units are condominiums. The primary resource for low/moderate income home owners for property repairs is the regional MCDBG housing rehab program that addresses eligible repairs. The problem is that this program is based upon single-family owner occupancy [occasional will help with a rental] and is not available for condo ownership units. This program will provide a resource to help maintain properties.

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2. CPA: AHTF \$100,000

The Housing Office proposes a \$100,000 request to transfer community housing funds from CPA into the Affordable Housing Trust Fund [AHTF].

This proposal is to provide funds for various housing programs and strategies, both small and large. The Provincetown AHTF was created through special legislation - Chapter 230 Acts of 2002 as one of the first tools that Provincetown voters adopted. Historically, the Affordable Housing Trust Fund has been used for Housing Summits, emergency housing assistance, new development [such as Stable Path], training and education, *Path to Homeownership* Scholarships, and rehabilitation projects [such as Foley House, 33 & 35A Court Street, 40 Pearl Street]. The Community Housing Council is the gatekeeper for access to the AHTF; grant agreements and housing restrictions are utilized as required. This is a new strategy for Provincetown but is commonly used in other communities. Traditionally Provincetown CPA funds have been project/activity specific approved by town meeting. Transferring funds to the AHTF provides for more flexibility and speed as it does not need town meeting direct approval of the activity. Current balance is about \$600,000.

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2. CPA: Cape Cod 5 Development 62 rental units in Orleans: \$20,000

The proposed development, referred to as "Orleans Cape Cod Five" or simply "Cape Cod Five," involves the re-use of a former bank headquarters building, combined with a new construction addition and two separate townhouse buildings, as mixed-income housing. Together, the refurbishment and new construction will provide 62 family rental units, including 52 affordable units and 10 workforce apartments.

The existing structure consists of an original, 1978 building and a 1990s addition. The building served as the headquarters and operations center for the Cape Cod Five Cents Savings Bank for the entirety of its existence; most of the staff have vacated the building this year, and the remainder will be relocated to the bank's newly built headquarters in Hyannis by year end.

The site, comprised of the 19 West Road and 10 Skaket Corners parcels, is accessed via a landscaped boulevard off West Road, which itself enjoys quick access to Routes 6 and 6-A, two of Cape Cod's most critical connectors. The property is abutted by a shopping center (which includes a full-service grocery store, pharmacy, and bus stop), a cluster condominium development, and Route 6 itself. The existing structure and property are ideal candidates for the development of mixed-income and affordable housing.

2. CPA: Cape Cod 5 Development 62 rental units in Orleans: \$20,000

The 62 low/moderate/workforce housing rental units include a mix of 1-bedroom, 2-bedroom, and 3-bedroom units. This 40B proposal is moving forward in the permitting and funding process. The total project budget is \$27,705,000 and includes the submission of requests for CPA funds from all the lower cape towns and the traditional tax credit, HOME, and other subsidies. Pennrose is a national development company and recently completed the comparable development at the Village at Nauset Green in Eastham

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Ms. Hatch stated that in the spirit of regional efforts, it is the right thing to do.

Kristin Hatch MOVE CHC recommend \$28,008 for the Housing Office; Paul Richardson second; approved 3-0 roll call vote:

| | | | |
|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Kristin Hatch MOVE CHC recommend \$100,000 for the Homeowner's Assistance Program; Paul Richardson second; approved 3-0 roll call vote:

| | | | |
|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Kristin Hatch MOVE CHC recommend \$20,000 for the Cape Cod 5 Rental Development; Paul Richardson second; approved 3-0 roll call vote:

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|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Michael Litvin MOVE CHC recommend \$100,000 for the transfer to the Affordable Housing Trust Fund; Paul Richardson second; approved 3-0 roll call vote:

| | | | |
|-----------------------------|------------|------------------------|------------|
| Kristin Hatch, Chair | aye | Paul Richardson | aye |
| Michael Litvin | aye | | |

Agenda item #3 Zoning By Law Amendments

Mr. Richardson recommends the proposed changes to the IZ zoning bylaw. Can the CHC make suggestions? Should there be another meeting to discuss? He would like to review again, they are generally good, but maybe there could be better language. Ms. Hatch would like to vote to recommend as is; she has no problem with the Res 1 issue. It has been working since 2018 and has been chewed on by better minds.

Kristin Hatch MOVE to recommend the IZ zoning changes to Annual Town Meeting and PB Public Hearing; Michael Litvin second; approve 3-0 roll call vote:

Kristin Hatch, Chair **aye** **Paul Richardson** **aye**
Michael Litvin **aye**

Agenda item #4 Housing Updates

Mr. Richardson disclosed that he is the attorney for the seller at 6 Sandy Hill Lane. Ms. Hatch inquired about the status of Harbor Hill – costs, CIP, etc. She is interested in future joint meeting with Year Round Market Rate Rental Housing Trust. She believes Harbor Hill is taking funds from affordable housing. Mr. Richardson in interested but not sure of the purview.

Ms. Hatch inquired about the VFW. Ms. Jarusiewicz said that she participated in the recent RFP Training by MHP. The VFW is at the top of the new Town Manager’s goals. Ms. Hatch said that no action has been taken last year or two by the Select Board. The CHC could make noise about VFW, HH, Temp housing. She has never seen it this bad and is dismayed about the lack of progress.

4. Housing Update

Housing Authority: received \$425,000 CPA grant for acquisition of 46 Harry Kemp Way for expansion; closed on Nov. 2nd

Ownership: lottery held March 4th for 6 Sandy Hill Lane #11 [\$226,044] and sale is moving forward. Marketing & outreach is underway for IZ unit at 36 Nelson Ave [\$178,500] with open house April 10th and applications due by May 3rd.

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Agenda #5: Minutes: Paul

Richardson accept minutes of 12/12/19 and 2/1/21; Michael Litvin second; approved 3-0 Roll Call vote:

Kristin Hatch, Chair **aye** **Paul Richardson** **aye**
Michael Litvin **aye**

Agenda #6. Other:

Agenda #7. Next meeting Monday, April 12, 1:00 pm; Mr. Litvin indicated that he will try to attend but maybe away

Meeting adjourned at 3:25 pm, Roll Call vote 3-0:

Kristin Hatch, Chair **aye** **Paul Richardson** **aye**
Michael Litvin **aye**

*Submitted by:
Michelle Jarusiewicz, Community Housing Specialist*