

MINUTES

Walpole Housing Partnership Committee

January 9th, 2020 – 7:00 P.M.

Town Hall, Room 112

Members present: Willa Bandler, Andrew Flowers, Audrey Grace, Kurt Tommy, Phil Czachorowski, Mike Teeley, Ben Barrett

Non-voting Members Present: Consultant Courtney Starling; Community and Economic Planning Director Ashley Clark; Virginia Bullock, Senior Housing Planner from Brookline; Jonathan Eichman, of KP Law; town resident Joe Moraski.

1. The meeting was called to order at 7:07pm

2. Approval of Minutes from December 12, 2019.

Mr Czachorowski moves to accept the minutes with this change. Mr Teeley seconds.

UNANIMOUS 6-0-0

3. Report on Inclusionary Zoning Bylaw and Housing Trust warrant articles

Ms Clark reported on the status of the Inclusionary Zoning Bylaw (IZB). Changes made by town counsel were accepted. Ms Starling reported on the changes from town counsel. There was an alteration to the definitions, and addition of extremely low income and reference to “eligible household.” Second, under section 3, there is a 10 year time period to avoid segmentation. Under section 6, language was clarified.

Ms Clark reported on the feedback from the WHP. Ms Grace asked about the feedback on the inconsistencies with the definitions listed. Ms Starling said that the terms are interchangeable and they will use the terms in Section 14 of the zoning bylaws.

Mr Teeley raised an issue with the calculations set forth in Section 5. He argued that the calculation is misleading to developers. Mr Flowers said that we should allow a person reading the bylaws to easily figure out what is required and communicate the intent of the bylaw. Mr Teeley believes that as structured it asks for an explanation. Ms Starling clarifies that it's a minimum. Mr Czachorowski said that if we did not do it this way it would be a longer chart. Mr Teeley wants the chart to indicate that it's a 6-16% range. Mr Flowers believes that it would be confusing and that most who are familiar with development are used to rounding. Mr Teeley is concerned that the town who would be approving this might be confused. Ms Starling explains that the town is responsible for providing that unit whether the developer agrees to pay with it or not. Ms Grace agrees that we need to explain this to town meeting. Ms Bandler argues that

people are able to understand how these calculations are made. Ms Starling can provide examples of other communities nearby who use similar language. Mr Flowers said that there are two issues - the communication and the bylaw text and the second is the economic issues. Mr Teeley clarifies that the economic issue is not his issue.

Mr Moraski asked about the applicability of this bylaw and whether a developer would have to come before the ZBA. Mr Eichman said that they would and Mr Moraski said that the bylaw needed to clarify the powers and duties of the other boards in town. Mr Eichman said that the law requires the planning board approval to subdivide land, no matter what the zoning laws indicate. Mr Moraski asked about cross-over responsibility with the planning board. Mr Eichman said that they are separate realms, except that this bylaw requires shrinking lot sizes. A developer has to get both permits and the developer has to do the work to ensure that both agree. Mr Moraski is concerned that the developer will be hindered by having to go before two boards. Ms Starling said that the incentives in the bylaw are a carrot to moving forward. Ms Clark reminded the board that most developers have to go through the same process.

Mr Moraski asked about the 15% affordability requirement for more than 20 housing units and whether it is a legal issue. Ms Clark said that these percentages have been handcrafted for Walpole and approved by Town Counsel.

Ms Grace asked why we require 35 years as opposed to 30 years. Ms Starling clarified that DCHD prefers 35 years and this is just the minimum. Mr Flowers said that the ZBA could require 99 years, but as Ms Clark and Ms Starling argued, 35 years would allow the ZBA to negotiate deeper affordability for a shorter period of time if they so desire.

Mr Eichman said that we should strike out § 32 and allow for a wider range of restrictions. Mr Czachorowski motions to strike out § 32, Mr Barrett second.

VOTE: 7-0-0 UNANIMOUS

Mr Czachorowski moves to accept the IZB as amended, subject to non-substantive changes recommended by town counsel, and forward it to the planning board as voted today. Mr Barrett second.

VOTE: 6-0-1 APPROVED (Mr. Teeley abstained)

Ms Clark reported on the changes to the Housing Trust Fund. Mr Eichman reported on the suggested changes. They suggested that we change the term to two years, which is required by the statute. They also recommended that we stagger the terms.

Ms Grace asked about two sections that were wholly removed and not mentioned by Town Counsel. Mr Eichman answered that they would generally be found in the declaration of trust and should be in the declaration and not the bylaw, to provide more flexibility.

Mr Tommy asked about the change in the number of trustees. Ms Clark said that the town boards indicated that it needed to be bigger and that the members should have appropriate skills. Mr Flowers asked about quorum. Mr Eichman clarified that, with 9 members plus the ex officio member, quorum is 5 members.

Mr Barrett clarified that the Housing Partnership would be dissolved and the Housing Trust would take over.

Mr Czachorowski said that the bylaw should require 7 members, because the more members required, the harder it is to ensure a quorum and get vital tasks accomplished. Mr Flowers and Mr Barrett reported that the town would like more people involved in the trust. Ms Starling said that 10 would work. Ms Bullock said that the Housing Trust board in Brookline has 7 members, all appointed by the Select Board with expertise and one resident of affordable housing. Any decisions on how funds should be spent have to be approved by the Select Board. They have a slightly different model - it is a designated fund managed by the town.

Mr Teeley suggested that we have an example of what it looks like for a developer to go through the process to put it in real life context. Ms Clark agrees that it was a great idea.

Mr Flowers suggests postponing voting on the Trust until next week, since not everyone read the tracked change comments until tonight. The Planning Board does not need to vote on the Trust (as they do on the IZB, since they must review all zoning articles for the Town Meeting warrant), so it can wait. Ms Clark would like our permission to at least represent to Planning Board that we are ok with 9 members as the final number. Ms Grace wants to know if we can recommend a reduction to 7 members and see if Planning Board objects; Mr Flowers says they already objected to that. Mr Tommy asks if 7 is actually the number we want. Mr Flowers said that the ideal number is 7. Ms Bullock suggested that one member be a member of the planning board. Mr Flowers said that Ms Grace was right, that we suggest 7 members. Mr Moraski said that he's happy that we put in the expertise and wants one member per precinct. Mr Czachorowski recommend that we adjust the at large members to 3 if we are going to adjust the total board members. Mr Flowers said that the Housing Authority will be on board with being an ex officio member. Ms Starling recommends that we confirm that the Housing Authority is interested in sitting on the board. Mr Flowers confirmed that the Housing Authority is comfortable with this. Ms Starling said that the Housing Trust is an important part of implementing the IZB and is proactively planning.

Mr Moraski asked about striking the passing reference to the existence of CPA. Ms Grace said we should just strike it and Ms Bullock agrees because her experience in Brookline. Mr Teeley agrees that we should take it out.

Mr Eichman agreed that even though this language comes out of the statute, we can take it out without violating the statute; it could be put back in should Walpole pass CPA in the future.

Mr Teeley asked about the process for procurement. Ms Grace suggested that we should focus on the best language for the trust and worry about how to put it before the town later. Mr Tommy agreed we should focus on the provision that the Select Board appoints these members and has a representative on the trust. Ms Clark recommended that we add a section requiring the trust to present their work to the Select Board and gather recommendations. Mr Czachorowski said that we should go with the statute and we need to do a good job selling it, as it will defeat the whole process if we don't remain nimble.

Ms Starling pointed out that the original draft had a \$10,000 maximum for expenditures not requiring review by the Select Board. She recommended that we increase it to \$50,000.

We will discuss and vote on the housing trust at the next meeting and wait to send it to the Select Board until the final approval.

4. Discussion with Virginia Bullock, Senior Housing Planner in Brookline

Ms Bullock said that the trust can be leverage to incentivize developers. Mr Czachorowski reported that he learned the same from the housing institute. Ms Grace clarified that the funds would be used to improve existing affordable units, and to incentivize developers to increase extremely low income housing. Mr Barrett is more concerned with how to get this passed. He argued that we need to be clear on what the trust requires and the process for expending funds.

Ms Starling said that the town, to convey or buy real estate, must go through the procurement process. Over \$50,000 requires a full request. Housing experts are on the Housing Trust to make decisions, but Mr Barrett argues that it needs to be spelled out. Mr Teeley is concerned that this is too expansive.

Ms Bullock manages a trust that is pre-55C, a home rule petition. However, there is no tension with the Select Board. They value the expertise of the Select Board. She gave an overview of the landscape in Brookline.

5. WHP summary for the 2019 Town Annual Report

We reviewed the report for the annual report. Ms Bandler will send the updated version on January 14th.

6. Next meeting to be held January 16th at 7:00PM

7. The meeting was adjourned at 9:48 PM

A motion to adjourn was made by Mr Czachorowski and seconded by Mr Teeley

VOTE: 7-0-0 UNANIMOUS

Minutes respectfully submitted by:

Audrey Grace

Minutes Approved by Committee on:

1-9-2020

Chairperson Signature:

Andrew Flowers