

April 26, 2011
WTAHC Minutes

Present: Jim Powell, Mike Colaneri, Glenn Hearn, Ernie Mendenhall, Jonathan Revere, Joanne Scott and Vickie Thurber (late)

Also Present: Rhonda Conley, Christine Flynn, Richard Knabel, Skipper Manter, Andre Mallagol and Doug Ruskin of Habitat for Humanity.

Correspondence

Crow Hollow: Jim informed the committee that the Planning Board would like to have the Affordable Housing Committee attend the Planning Board meeting on May 9th at 5:30 PM. Rob McCarron, Strom's and Look's attorney, will be presenting their proposal for the affordable houses they must give to meet the Planning Board's subdivision requirements. McCarron should be addressing the concerns AHC has pertaining to the requirement. Jim read McCarron's letter (see attached).

There were several concerns. One concern was whether the special permit on the Hoehn property is still valid. *Joanne made a motion, seconded by Mike, that Jim seek counsel advice as to the validity of the special permit before the joint meeting on May 9th.*

VOTE 6 YES 1 ABSENT

Federal Grants and Loan Directory: Rhonda read email telling of directory of financial programs, subsidies, scholarships, grants and loans available through the federal government.

Futures of Homeownership Conference: Rhonda informed the committee that Citizen's Housing and Planning Association is having a conference called "Creating Sustainable Opportunities in a Changing Environment" Tues. May 17th in Worcester, MA. Philippe Jordi will be speaking and he can provide more details.

Board of Assessors Letter: The Board of Assessors sent a letter explaining their stand on the "Homeowner Conveyance Policy" and abatement (see attached).

DCRHA Letter: Rhonda received a letter from DCRHA saying that Judy Rogers qualifies for an accessory apartment. Ernie explained that Trippy Barnes was coming to compliance with his home on State Road and should have 3 accessory apartments permitted soon. Judy Rogers was one of the people whom will occupy one of the apartments.

CPC Note: Rhonda informed the committee the CPC approved Habitat for Humanity's invoices of last month with the overhead multiplier.

Mike made a motion, seconded by Jonathan to accept the Mar. 22 minutes as amended.
VOTE 6 YES 1 ABSENT

Invoices

Bailey Park: There was a short discussion of the overhead multiplier of last invoice from Habitat for Humanity (Habitat). It was agreed it was part of the RFP submitted by Habitat and therefore should be paid. *Mike made a motion, seconded by Jonathan, to pay the overhead multiplier \$1,500.81 part of invoices from 3-22.*

VOTE 6 YES 1 ABSENT

Glenn informed the committee that Bruce Stone, Town Accountant had paid the full amount with the overhead multiplier of last month's invoices.

Mike made a motion, seconded by Joanne, to pay Habitat invoices for Bailey Park Project 1st house of \$1,470.02. VOTE 6 YES 1 ABSENT

AHC recessed for AHTF meeting at 7:20PM and resumed at 7:40 PM.

Bailey Park Project: Jim informed the committee that the Dept of Transportation issue has been resolved and the Bank house should be moving soon. Mallagol and Doug Ruskin of Habitat said there is a delay with the mover at present. Ruskin also stated that CPC Funds for the second house have been approved.

Crow Hollow: Jim reiterated the joint meeting with the Planning Board on Mon. May 9th at 5:30 PM. Jonathan asked that Rhonda re-emial the AHC letter to the Planning Board to the members for study before the meeting. There was a short discussion of the issues the AHC have with the proposal.

Refinance Policy: Rhonda read the changes the committee had asked for in the policy (see attached). *Mike made a motion, seconded by Ernie, to accept and implicate the Refinance Policy. VOTE 7 YES 0 NO*

Conveyance Policy: Jim received an answer to the question about the MA Gen law from town counsel. Attorney Wansiewicz said there is no law against the policy but in interpretation of precedent set by DOR. She said the committee can move forward and would be legal. Instead of accruing fees for a written response, Wansiewicz said the previous letter would stand. Mike would like to move forward with a final draft and discuss in detail at the next meeting. Mike requested that after the committee's approval it should move to the selectmen and a public hearing.

Adjourned at 8:25 PM

There is a joint meeting with the Planning Board Mar. 9, 2011 at 5:30 PM 2nd floor conference rm Town Hall.

The next meeting is Mar 10, 2011 at 7:00 PM 2nd floor conference rm of Town Hall.

Respectfully submitted by Rhonda Conley

Attachments

From: Robert M. McCarron [rmm@edgartownlaw.com]
Sent: Tuesday, April 26, 2011 3:01 PM
To: 'Simone DeSorcy'
Cc: 'Virginia Jones'; 'susan silva'; 'Leah Smith'; 'Jim Powell'; 'Beatrice Phear'; 'MIKE COLANERI'; 'Rhonda Conley'
Subject: RE: Joint meeting re. Strom/Look
May 9 works for me.

I hadn't planned on presenting anything in writing simply because I see the purpose of the meeting as addressing the concerns raised by the Affordable Housing Committee.

The applicability of the Permit Extension Act was the only condition of the Planning Board's vote to substitute the two affordable lots at the Hoehn Property for the previously required one lot and \$40,000 from the Crow Hollow Property. It is clear that the Permit Extension Act extends the Hoehn Special Permit. I suggest that anybody with doubt that the Permit Extension Act applies to the Hoehn Special Permit, review the "frequently asked questions" section for the Permit Extension Act at the web site for the Massachusetts Executive Office of Housing and Economic Development.

As I see it, Kristian and Samantha have all necessary permits to proceed with development of the Hoehn Property and satisfy from the Hoehn Property the affordable housing obligations arising from the recent division of the Crow Hollow Property. However, it does not seem appropriate to leave hanging the matters raised in the Affordable Housing Committee's letter to be pondered by the affordable lot recipients and their lenders and it is for this purpose that I requested the meeting.

Please contact me in advance of the May 9 meeting if the Board or Committee see this differently.

Rob McCarron



Town of West Tisbury
BOARD OF ASSESSORS
P. O. Box 278
West Tisbury, MA 02575-0264
508-696-0101

Richard Knabel, Chair
Board of Selectmen

Jim Powell, Chair
Affordable Housing Committee

Dear Chairmen,

The Board of Assessors has reviewed the letter from Cynthia Wansiewicz regarding the Town's ability to draft a policy regarding the donation of properties into the affordable housing pool. The Board understands that the Affordable Housing Committee and the Board of Selectmen are in the process of formulating such a policy. The Assessors would appreciate the opportunity to review and offer comment on the policy before it is finalized. The Board would also appreciate that the following information be provided to the owners of such property during the donation process.

“After acceptance by the Affordable Housing Committee and Board of Selectmen of a property into the affordable housing pool, the owner of said property should file an application for abatement with the Assessors office during the appropriate time period for such action. The Board of Assessors will then review the property and its affordable housing documents to determine whether a reduction in its assessment is warranted.”

If you have any questions regarding the above request or if we can be of any assistance to you in this process please do not hesitate to contact me.

Sincerely,

Kristina West

Principal Assessor

March 22, 2011

DRAFT for discussion

West Tisbury Community Housing Refinance Review Procedure

Please note: This procedure is intended as a practical assist to owners and does not replace or contravene any particular term or requirement of a West Tisbury Housing Covenant or Deed Rider.

1. When the Owner of a West Tisbury property under a Housing Covenant or Deed Rider preserving long term affordability wishes to refinance their property, the Owner shall notify the Town Affordable Housing Committee (AHC) and the Dukes County Regional Housing Authority (DCRHA) in writing of the Owner's intention (the Refinance "Notice").
2. Upon receipt of the Notice, staff of the AHC and DCRHA shall confer and determine the current Maximum Resale Price of the Property based upon the terms of the existing Covenant or Deed Rider.
3. The Owner will be notified of the current Maximum Resale Price by phone followed by mailed confirmation within 7 days of receipt of the Notice by DCRHA.
4. At this time, the Owner shall also be supplied by AHC or DCRHA staff with a copy of the current Housing Covenant in use by the Town for review with their lender regarding permissible terms of mortgage.
5. The Owner's lender will prepare a Letter of Commitment /Term Sheet and Mortgage (Refinance Papers) to be submitted to the AHC for review for compliance with the terms of the Housing Covenant and AHC Guidelines. Within 21 days of the Owner's submission, the AHC will conclude its review and submit a written decision to the Owner.
6. Preparation of closing documents by the Owner's attorney shall include a current Housing Covenant to be submitted for review by Town Counsel and signature by the Board of Selectmen within 21 days of submission.
7. The Owner shall direct their attorney to provide copies of the recorded closing documents including the Town's Housing Covenant to the staff of the AHC.
8. AHC staff will provide a copy of the recorded Housing Covenant to the DCRHA for reference in future affordability monitoring.

*West Tisbury Affordable Housing Committee, P.O Box 278, West Tisbury MA 02575
Dukes County Regional Housing Authority, P.O. Box 4538, Vineyard Haven MA 02568*



TOWN OF WEST TISBURY
AFFORDABLE HOUSING COMMITTEE
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508-696-0102
affordhouse@westtisbury-ma.gov

Feb. 25, 2011

West Tisbury Planning Board
PO Box 278
West Tisbury, MA 02575

Dear Planning Board:

In light of the Feb. 7, 2011 proposal presented by Attorney Rob McCarron on behalf of Christian Strom and Samantha Look the West Tisbury Affordable Housing Committee (WTAHC) recommends and requests that the West Tisbury Planning Board rescind their previous vote in favor of the proposal. WTAHC would like to have further discussions with the Planning Board on this proposal. When WTAHC endorsed the thought of two lots, the WTAHC did not realize the applicants were talking about condominium (encumbered) lots.

The proposal needs to be more specific with further information and details on these issues:

1. The WTAHC would like the proposal to be for two separate lots instead of condominium lots.
2. The present well is unacceptable and must be moved.
3. All utilities should be to the properties.
4. The fire hydrants issue must be dealt with in a satisfactory way.
5. The legal fees, title search, purchase and sale agreement, etc. are not addressed and should be stated the special permitted applicant will pay them.
6. The special permit has expired for the lots in question. The interpretation of WTAHC is that the state regulation recently passed does not cover the special permit now in affect on the property. There was never any building permits issued for said property therefore does not meet the state requirements.
7. The lots need to be protected in perpetuity with a covenant approved by the WTAHC. The WTAHC would also wish to have a \$1.00 mortgage (as other affordable homes have) held by the town.
8. The WTAHC would like to see and pre-approve the proposal to be assured that the applicant has met all the requirements and conditions of the affordable housing regulations.

We hope this is helpful in your actions on this matter.

Sincerely,

Jim Powell
West Tisbury Affordable Housing Committee Chair

cc: West Tisbury Selectmen

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