



# TOWN OF TEWKSBURY COMMUNITY PRESERVATION COMMITTEE

## Meeting Minutes January 20, 2015

The meeting was called to order at 7:00 p.m. by Nancy Reed, Chair, at the Pike House (temporary town hall). Present were Thomas Churchill, James Wentworth, Christina Nawn, John Deputat, and Richard Montuori. Also in attendance was Steve Sadwick, Director of Community Development, Melissa Johnson, Recording Secretary, and Charles Zaroulis, Town Counsel.

Steve Deackoff was not in attendance.

### 1) Proposals for May Town Meeting 2015:

#### a. Janet's Place, 40 Navillus Road Application

Mrs. Reed explained that the purpose of tonight's meeting will be to discuss the eligibility of the proposal as submitted under the Community Preservation Act. Mrs. Reed reviewed the process to determine the eligibility for the use of funds and provided the members with a copy of "Community Preservation Act: Massachusetts General Laws, Ch.44B". A copy of the document can be found with the Community Development Department. Mrs. Reed reviewed the document aloud and the following definitions were noted: Acquire: to obtain by gift or purchase, Preservation: to protect from injury or harm or destruction, Rehabilitation: capital improvements for making extraordinary repairs to community housing to make them functional for their intended use including but not limited improvements to comply with American with Disabilities Act and other federal, state, or location building access codes, and Support of Community Housing: providing grants, loans, rental assistance, etc. to families who are eligible for community housing for the purpose of making the housing affordable.

Mrs. Reed explained that the CPC reviewed the application and determined that the purpose is not to acquire as the applicant has their deed and there are no funds in the CPA budget that were put forward to acquire the property. The purpose is not to create as the units are already in place and functioning for their desired purpose. The purpose is also not to preserve and is not in jeopardy of being harmed or destroyed as there are permits in place from the Health Department and Building Department.

Mrs. Reed reviewed the text of the Act which directs as to which uses are allowed for community housing: acquisition, creation, preservation, and support of community housing as well as rehabilitation of community housing; however, the community housing must be acquired with CPA funds. Mrs. Reed noted that in this case the property

was not acquired with CPA funds. As a result, it is not eligible for CPA funds as submitted. Mrs. Reed noted that the narrative of the application that has been submitted states that the purpose is rehabilitating the property.

Mrs. Reed asked if anyone present would like to speak.

John Lazar of East Coast Housing Development came forward and noted that he is the Development Consultant for Janet's Place. Mr. Lazar explained that while they are not using CPA funds to acquire the building, as part of the overall development (Phase I and II), they are utilizing public source funds to reacquire the building and refinance the building in order to be able to lower the mortgage amount to offer rents that are affordable for persons in recovery. Mr. Lazar noted that in the total picture of this, they are seeking a small amount of funds from Tewksbury to be matched with funds that have already been contributed to the project. Phase II will begin in late spring/summer and then they will be applying to state resources for additional funds to refinance the mortgage and complete the dormer to adjoin the two buildings. Mrs. Reed explained that the housing was not previously created with CPA funds. Mr. Lazar noted that this is the first time they have come to seek funds from the CPC and that he feels they fall within the definition of the use of CPA funds. Mrs. Reed explained that for a rehabilitation project, the building has to have been acquired with CPA funds. Mr. Lazar noted that creating housing is an allowed use of the funds. Mrs. Reed explained that the creation of the units is not being proposed to be done with CPA funds; the proposal for the CPA funds is for the existing units to be rehabilitated. Mrs. Reed asked if the existing number of units will remain or if they are adding to this. Mr. Lazar explained that they will be creating additional units on the lower level and second floor under the second phase.

Attorney William Grammar came forward and noted that he is counsel for Janet's Place. Attorney Grammar requested the Committee continue this matter to allow for the applicant to review whether the proposal is in fact eligible under the Act. Attorney Grammar noted that he has not had the opportunity to research this issue and will work with Attorney Zaroulis on this. Mrs. Reed explained that as part of the application process, there is very specific language that requests a specific description be provided on how the general and specific criteria of the committee is being met, which would have explained how the proposal was eligible for funding, and this was not done on the application. Attorney Grammar noted that the application was not put forth with assistance of legal counsel and was completed by Ms. Timmons and Mr. Shugrue who do not have the expertise to determine eligibility under the CPA statute. Mrs. Reed noted that she has received correspondence from Mr. Lazar who is being compensated through the project in the amount of \$6,500 to complete the application and see it through to get the funds awarded and that this would lead one to believe that the application was in fact completed by a qualified person, Mr. Lazar, and, as a result, should have presented the proper information as part of the application process. Mrs. Reed noted that it has never previously been stated that additional units would be created with the CPA funds, but it has been stated that the existing units were to be rehabilitated. Mrs. Reed explained that the deadline for submittal of an application is January 1 to allow the Committee time to review the proposals for the warrant for town meeting. Mrs. Reed noted that she does not

feel comfortable making changes at this point and then asking the Committee to make a determination as the applicants are asking the Committee to make an investment in the community and they should be allowed the appropriate time to review the applications and supporting documentation being submitted.

Mr. Sadwick provided Attorney Grammar with a copy of the Community Preservation Act document that was provided to the Committee members.

Mr. Lazar noted that he has not encountered this in any other community and asked if Janet's Place had requested the funds to refinance the property would that be considered as being acquired with CPA funds. Mrs. Reed explained that it would not be considered acquiring as they are currently owned. Mrs. Reed explained that she does not typically go by how other communities utilize their CPA funds as there are communities who have used the funds in violation of the Act.

Mrs. Reed explained that there is nothing stopping Janet's Place from revising their application and resubmitting; however, the deadline for submittals has gone by and there is no guarantee on when the Committee could act on the proposal if resubmitted.

Mr. Lazar referenced the Community Preservation Act document that was provided by Mr. Sadwick and asked if they would be eligible under the criteria of development or support of community housing. Mrs. Reed explained that the application submitted clearly defines the project as a rehabilitation project. Mr. Lazar explained that while he agrees that they are not using the funds to acquire the property, they will be developing and creating housing as they will be creating an additional unit.

Mr. Lazar asked if the Committee is determining that Janet's Place is ineligible for CPA funds as they did not acquire the property with CPA funds. Mrs. Reed explained that as the proposal is currently presented and submitted, it is not eligible for the funds.

Attorney Grammar asked if the Committee will be acting on the ineligibility of the application. Mrs. Reed explained there is no action to take as the application is ineligible. Attorney Zaroulis suggested the Committee take a formal vote on the matter.

**MOTION: Mr. Montuori made the motion that the Committee not move forward with the application for Janet's Place based upon the determination that the proposal is not eligible for CPA funds based on the information that has been provided and, in addition, the application is not complete; seconded by Mr. Churchill and the motion carried 6-0.**

The Committee took a 10 minute recess.

## 2) CPA Budget Articles FY2016 May Town Meeting

Mrs. Reed noted that she will be drafting the FY2016 budget article for town meeting based upon either information provided by the Finance Director, Karen Kucala, or last year's budget will be amended by 2.5%.

**MOTION: Mr. Montuori made the motion to allow Mrs. Reed to submit the CPA FY2016 budget article on behalf of the CPC; seconded by Mr. Churchill and the motion carried 6-0.**

## 3) Administrative Support for the CPC, funding with CPA Administrative Funds

There was nothing new to report on this item.

## 4) New Business/Old Business

Mrs. Reed noted that Marc Ginsburg has forwarded the information provided by Sara Chase regarding the historic preservation on the Marshall House located on Pleasant Street. It has been determined that the larger portion of the home is bigger than originally thought. Mrs. Reed will forward this information to the Committee members.

Ms. Nawn requested a tour of the town hall and/or Marshall House. A tour of the town hall was tentatively scheduled for January 30, 2015 from 9:30 a.m. – 10:30 a.m. Mrs. Reed noted that Mr. Ginsburg would need to be contacted for a tour of the Marshall House.

## 5) Next meeting

Mrs. Reed will contact the members to determine a good date and time for the next meeting.

## Adjournment

**MOTION: Mr. Wentworth made the motion to adjourn at 8:07 p.m.; seconded by Mr. Deputat and the motion carried 6-0.**

*Approved: 2/25/15*

*List of documents for 1/20/15 Agenda  
Documents can be located at the Community Development Office*

1. Proposal for May Town Meeting 2015:
  - a. Janet's Place, 40 Navillus Road Application
    - *Project Information summary Form Packet*
2. CPA Budget Articles FY 2016 for May Town Meeting