

Draft Minutes - Corrected
Affordable Housing Commission – Monthly Meeting
TUESDAY, OCTOBER 23, 2014 – 7:00 P.M.

Charlestown Town Hall, Annex Conference Room, 4540 South County Trail, Charlestown, Rhode Island

1. CALL TO ORDER. Meeting called to order by Chairman Evelyn Smith @ 7:02 PM.

2. ROLL CALL. Present: Chairman Evelyn Smith, Vice Chairman Sean White, Secretary Sandra Puchalski; AHC Members Faith LaBossiere, Ernest Morreira, Brian McDonald; Town Council Liaison Tom Gentz;

Also present: Geoff Marchant, President, Washington County Community Development Council; Town Councilor George Tremblay; Assistant Town Solicitor David Petrarca, Jr.; Frank Glista, Chairman, Charlestown Economic Improvement Commission; and Brian Dupont, John Guisti and Joseph Maraia, representing "Summer Winds" development for pre-application discussion.

Chairman Smith asked for a motion to move up New Business item 7(a) for discussion, as posted. Sandra made motion and Sean seconded. Motion approved unanimously.

7. New Business:

a) Proposed project Traditional Village District, Map 13, Lot 5.

Brian Dupont was given the floor to open discussion of the proposed project in the Traditional Village District. Brian introduced the partners and passed out pamphlets of the project entitled *Summer Winds – Village Cottages*. He described the location to be behind the Mini-Super with frontage on Old Post Road. He explained they had met with the Town Planner and wished to present their proposal to the AHC to see if members felt it was a workable concept. The package was conceptual and was explained to be a single-family condominium development. Models named The Ninigret (972 sq. ft.) and The Breachway (840 sq. ft.) The representatives stressed that the units will be "affordable." The questions they had of the AHC are #1. Feasibility. #2. If the AHC likes the concept, the number of units the AHC would like. They explained that this was done in Maine on a 10 acre parcel with 53 units. Low 200,000's was suggested price point.

Evelyn noted that the housing this commission deals with must be "income restricted" with income qualifications based on specific state standards, and must have deed restrictions as well. Evelyn noted we are the advisory body to the Charlestown Town Council for "Affordable Housing" purposes. The Planning Commission is the body that will make approvals.

Frank Glista, Chairman of the Economic Improvement Commission, was concerned with the loss of commercial lots to ChurchWoods and with this proposed development as well. He stated we are constantly in a negative situation, and he felt that the land is zoned Commercial and its main use should be commercial. Evelyn noted that the mixed-use zoning for the traditional village district allowed for higher-density low-income residential units, but that the zoning envisioned the residential use to be accessory to business uses on the same property. If their plan were to go forward as purely residential, they would have to make a compelling case to the Planning Commission (and to the Economic Improvement Commission if they wanted their support) to show that the inclusion of new residential use was consistent with the intent of the mixed-use zoning.

She also reminded them that 25% of the proposed units must be deed-restricted LMIH units for a comprehensive permit application to be filed. Evelyn noted that although we have no official role in the permitting process, generally we welcome applications that move us towards our goal of affordable housing units in Charlestown, and the AHC can be a "cheerleader" for appropriate projects that go before the Planning Commission. *Summer Winds* representatives left at this time and thanked the AHC members for their attention.

Chairman Smith noted that we have the time-sensitive advisory to work on next, and asked for a motion to move up item 8(a) for discussion as posted. Sandra moved and Faith seconded. Motion approved unanimously.

8. Old Business

a) ChurchWoods Project: Funding Agreement Advisory. Members received a copy of the draft Affordable Housing Grant Agreement, which is attached to and made a part of these minutes, and Chairman Smith asked of Assistant Town Solicitor, David Petrarca, Jr., to give us the basic points of the Grant

Agreement. David explained that although the Town is waiting for more specific documents from the State, this document is being shared with the principal parties for their review and comment. Town Council liaison Tom Gentz asked if this grant agreement is similar to the Edwards Lane agreements, and David responded that it was. He further explained that the deed restriction would be Exhibit A. Evelyn questioned if the only parties to this agreement were the Town of Charlestown and the CDC. David said that they are the parties now, but that over the term of the agreement that may change, with the Town's consent. Forty years from now, when other grant restrictions have expired, some terms could be changeable.

David noted that this is a general framework agreement, and he described it as the "forest agreement" for AHC members. This document governs the whole forest and then when we get into what we want to control, the other documents come into play. This document can be thought of like a Charter, but in addition to it, the housing restriction has to be recorded and the mortgage has to be recorded.

David passed around a copy of the model Rhode Island Housing deed restriction for AHC members to look at, saying this would become Exhibit A. The actual deed restriction would be the document that we would have "tweaked" to be more specific to the Town's needs before signature and recording.

Members had questions on the deed restrictions, and the CDBG funding and other gap funding options. Each of these funding partners will bring with them another set of pertinent documents. David explained the government has an interest in keeping units affordable. If there is a "technical" default, it would be remedied. Members had questions on age restrictions as well. David explained the age restriction can only go in the deed restriction.

Evelyn went over what was noted in the model RIH deed restriction that was passed around. Evelyn noted that it covered:

- Affordability period.
- Resale requirement in event of foreclosure.
- Covenants to run with real property.
- Default by developer.
- Misc. provisions.

David noted that age will be added to this because it is unique. Tom requested that a copy of the deed restrictions be emailed to Evelyn from the Solicitor's office for review by AHC members.

Evelyn asked Geoff the status of ChurchWoods Project. Geoff reported that the existing drilled well had been tested, although not all of the testing had been completed. The well was producing 8-20 gallons a minute and is good quality and flow. In the end, the flow should come up at 20 gallons per minute. AHC members asked about gas and lead in water. Geoff said that no volatile organics are in the water tested.

David noted that the Affordable Housing Grant Agreement is on the Council Agenda for November. Once the Town Council approves it, the property can be acquired. Geoff Marchant noted for the record that he would like the repayment to be prorated on page 3 (f). David noted that the AHC can still produce its advisory for the Town Council.

Motion to extend: Sandra noted the time being 8:30 pm. Evelyn asked for a motion to extend. Sandra moved to extend for ½ hour. Faith seconded. All voted in favor of motion.

Members went over the points to be included in the advisory. Members agreed that the income qualification needs to be protected, as well as the rental restriction and age restriction. Members questioned whether conflict of interest, bidding process, continued 501(c)3 status for the CDC were issues that needed to be addressed.

Members discussed that our AHC advisory would be such that the age restriction stays in place and that the use of the property be for rental purposes only. Members agreed that, having reviewed the grant agreement with draft Exhibits, our biggest concerns are income, age and use restrictions for the duration of the grant period. Members agreed to have the Chair write an advisory and realize that additional language maybe added. The Chair asked for a motion to that effect.

Motion for Advisory Letter. Ernest made motion that: *We have reviewed the documents and authorize the Chair to write and submit the advisory regarding the draft "Affordable Housing Grant Agreement" to the Town Council, with further advice from the solicitors office with regard to Exhibits A & B.* Brian seconded. Motion approved unanimously.

After the vote, Evelyn noted that she will send out the advisory in advance and will schedule another meeting if any further discussion is necessary. Members agreed.

Chairman Smith suggested we hold off the rest of scheduled agenda until next meeting, noting the time.

Motion to Continue: Sean made a motion to carry over the rest of the agenda to the next regularly scheduled meeting. Sandra seconded. Motion approved unanimously.

Items carried over:

3. MINUTES. Approval of minutes: August 21, 2014, Regular Meeting; September 18, 2014, Special Meeting; September 30, 2014, Regular Meeting (Rescheduled).

4. COMMUNICATIONS. Communications Report. Review and brief discussion of communications and documents received since September 30, 2014.

7. NEW BUSINESS:

b) South County Habitat for Humanity. Invitation to Home Dedication, 9 Edwards Lane, November 1 2014. (*Noted. No action required.*)

c) Charlestown Comprehensive Plan. Review of Housing component of the current Comprehensive Plan in preparation for future discussions of potential changes to the Affordable Housing Plan components during the present Comprehensive Plan revision process.

8. OLD BUSINESS

b)Income-Restricted Accessory Dwelling Units (time permitting). Continued from May, further discussion of zoning and tax ordinance needs, mortgage impact, deed restriction and related issues.

9. PUBLIC COMMENT. None.

10. NEXT MEETING. The next regular monthly meeting is scheduled for November 20, 2014, at 7:00 p.m.

11. ADJOURNMENT. Motion made to adjourn, at 9:10 p.m.

Attached: Draft Affordable Housing Grant Agreement

Respectfully submitted,

Sandra Puchalski, Secretary

Minutes, as corrected, approved at the November 20, 2014, meeting of the Affordable Housing Commission.