

BHB MEETING, FEBRUARY 9, 2023

MEETING CALLED TO ORDER: 7:34PM

MEETINGN ADJOURNED: 9:07PM

ATTENDEES: Al Murphy, Channing Wagg, Ron Vogel, Dolores Fromer, Diane Friedman, Jessi Robinson & Korinne Stephens

Al reported on the DTC seminar held in Acton, him and Channing attended in person and met with Dan Sena and Jamie Eldridge. They spoke to the current wait lists for 17,000 people which includes current Boxborough resident: approx. 1,400 being seniors. Al & Channing outlined at the seminar how BHB is currently supporting our initiatives. Wendy put together a summary of the meeting and it was included in the handouts.

Minutes from January 26, 2023 were passed around, reviewed and unanimously voted to accept as such.

Wendy reported we currently have 13 families in the BRAP program and she is working on filling the last slot which was originally allotted as capacity – at 14. She believes she can add one or two additional slots as there is excess money to do so. Given that she is now promoting the program more in conjunction with learning the needs of the community she wants to increase the number of slots to help as many people as possible.

Al brought up the issue of Boxborough Meadows and explained that the roads were never accepted by the Town despite the development being over 20 years old. Al circulated the cost-out that the planning board developed which is believed to include the necessary repairs or upgrades in order to make the roads acceptable to the Town. Korinne reported on the planning board meeting held on February 6, 2023. She stated in was her understanding the neighborhood was working with Alec, the Town Planner, to confirm whether or not some of the proposed fixes would be necessary given that the ZBA allowed (via comprehensive permit) variations for some portions of the roadways. Alec explained that regardless of what had previously been given as a leniency per the Comprehensive Permit the Town would need to pave roads at 1.5” despite any original variations to this. He did state that the quote took into consideration the lesser size of the roads that were because of the comprehensive permit. Alec also noted the quote doesn’t take into consideration the drainage or catch basin repair but from the report submitted by the HOA he doesn’t anticipate an issue with this. Korinne spoke about the potential of Chapter 90 funding that could assist in the costs to achieve these outlined items. The planning board also voted to reach out to KP Law surrounding the actual settlement agreement and release of the bond. Also, there was talk about using BAHT funds for the road issues. Al doesn’t believe this would be legal to do and asked Alec to clarify with K&P the following:

- 1.) Any use of BAHT is legal?
- 2.) Who has the authority to release funds?
- 3.) Does it make sense to apply these funds to the entire community given only 25% are 40B?

Alec's thoughts on question #3 are that K&P would deem this as a business and policy decision left to the Town and BHB. Al doubted this because he feels there are legal issues and not policy decision there is no policy in terms of the BAHT or policies as per terms of settlement.

A discussion ensued about the implications of these costs associated with the road and the BHB feels that a letter should be drafted to the Select Board in favor of road acceptance. The question of the bond being released was raised and concerns surrounding this and that if the Town did this that would be the Town's responsibility?

Alec reported that planning board has been requesting a variety of documents via K&P and public records for personal requests in order to piece together the timeline and what occurred and why. He hasn't had a discussion with the Chair to characterize his opinion at this time. Janine Klein Roche expressed her concerns about the road issues and feels the builders and Town are culpable. Alec spoke to the fact that the one of the conditions of the ZBA permit did require the developer to apply for road acceptance. However, while the ZBA had intended the roads to consider acceptance the ZBA cannot force road acceptance. Alec further added, that typically when the planning board accepts a roadway its coming from a subdivision and the planning board is able to do more due diligence but due to 40B there was less time to do due diligence to double check roadways widths and developer was allowed certain leniency. The bond could have been used restoration, improvements etc. Jessi pointed out that had the bond not been released it could have been used currently for repairs. A discussion ensued about the bond that was released back in 2005 – a mention of an email (that had been previously circulated to BHB, Town Planner & Planning Board) from Selena Shaw to the Builder James Fenton as it relates to road approval and acceptance. This email detailed the Town requirements and explained about when the bond would be released upon meeting said requirements. Janine Klein Roche spoke to the fact that the HOA has already spent in excess of \$100k of its own funds in an attempt to meet road acceptance requirements and outlined the various tasks including wetland replication, road signage, painting of several items such as parking spaces, railings, etc. Al mentioned concerns that increased costs to HOA would negatively impact the 40B units thereby making them no longer affordable and he suggested a letter be written to the Select Board on behalf of the Boxborough Meadows 40B units.

A discussion ensued about the renewed interest of using Stow Rd as originally intended, for affordable housing. The building committee though has been considering this parcel for a new public safety facility. Al explained the BHB would need to be put to a vote, basically acknowledging it is no longer needed for affordable housing before it can be developed otherwise. According to K&P we can defer that vote until we are clear on how the BAHT will be reimbursed. Channing spoke to fact that he'd like to see the property reevaluated with a fresh perspective as it relates to affordable housing. Les Fox spoke on behalf of the Building Committee and he outlined the lawsuit of how the BAHT came to be via the lawsuit via the terms of the settlement, statute and language that formed the BAHT. He further explained that despite valiant efforts (in the past) the BHB realized that it was no longer possible to achieve what originally spawned the purchase of the land. At that time, Paddock Estates was erected and put the Town over the mandated 10% and the BHB assumed the Town would no longer support a dense development on Stow Rd. Fearing a lack of support from the Town the efforts were abandoned. Also at this time the building committee had been searching for land for the public safety building – looking at 11 parcels of land along Rte. 111 but none panned out. It was realized then that since the BHB failed in putting housing on the Stow Rd parcel that the Town should attempt its agenda of the public safety building. Les further denoted that at annual town meeting 2014, there was an article to transfer the real property to the care and custody of select board for the purposes of affordable housing in

supporting the housing board needs. The building committee thinks it's viable for a public safety facility although questions remain including which way to go in terms of what kind of facility ... just fire or combined building. The money that the Trust spent to acquire that land can be repurposed – if the land was not used for affordable housing the BAHT would be fairly compensated for the outlay of the money. No amount or formula set. Jessi asked Les about how the building of new safety facility would affect individual owner's real estate taxes. She also spoke about the possibility of using Stow Rd for 3A purposes. This could be a possible solution to satisfy the zoning requirement along with affordable housing. A further discussion ensued regarding the parameters of the Chapter 3A zoning.

Francie Nolde of the Sustainability Committee spoke to the advantages in pursuing affordable and sustainable housing on Stow Rd. Given the growing need for both - lessening the carbon footprint perspective along with the need for affordable housing. The idea of showcasing more environmentally friendly options would be ideal for the Boxborough community as a whole.

Rich Guzzardi of the Economic Development Committee explained where 'Town Center' is actually located which spans from Blanchard School to the construction entrance to Toll Brothers development. Economic Development was awarded a grant from DHCD to bring forward a subcommittee and help further define Town Center needs and logistics.

Cindy Markewicz wasn't representing the planning board per se but she is following the MBTA community requirement. She mentioned multiple zones that were being considered and she is personally in favor of areas that would be close to the proposed Town Center district given the walkability aspect of the Stow Rd location.

Korinne proposed a question to Alec as to how the requirements of affordable housing criteria may look in the near future. His opinion is that likely the legislation will require an increased minimum (currently 10%) due to growth in population size.

Diana Lipari spoke from her perspective as a realtor to really encourage the BHB to take a creative approach to the proposed housing on Stow Rd. She explained that BHB owns a very valuable asset via the land and that is typically the hardest and biggest obstacle to procure in a proposed housing project such as this. She mentioned 'thinking out of the box' solutions like pre-fab homes. She does believe that the Town needs to raise its percentage of affordable housing. She does think the sales price point has also drastically changed from years prior. The property could be established under 40A along with deed restrictions for the builders to ensure affordable housing.

Wendy stated that housing is the biggest issue that clients come to her with regarding increased rents, etc. She helps them fill out various applications for assistance and reiterated the wait list (over 17,000) for housing via Acton Housing Authority which deals with both Acton and Boxborough residents. The discussion transitioned to homeless people and how they get put to the top of the wait list and what the criteria for this looks like. Janine Roche shared a story regarding a homeless teen who she took in from Acton due to the family abandoning her. Francie asked how many families in Boxborough are homeless. Wendy reported there are a few who are close to becoming homeless and one gentleman last year that was homeless for a few months. Al shared that he wants the Stow Rd land used at the most optimal usage as possible.

Korinne shared information from her meeting with DHCD relating to the current deed riders on the current (22) 40B units. It appears the Universal Deed Rider is the far superior product but in order to change our current deeds this would require permission from the homeowner and there would be an associated cost with having an attorney draft and file such. It is unknown at this time how much that

would be. Upon a transfer of sale the deed rider could then be changed (at no cost to the Town) and DHCD would handle the logistics. BHB could remain the monitoring agent and would need to discuss further with DHCD how much engagement and what role BHB would play in the monitoring of those homes with a now Universal Deed Rider. The DHCD point person did speak to a current issue that they are experiencing across the board of 'unsellable' homes. Meaning that when homes come to market there is often repairs that have not been done and therefore the home is not able to transfer title until this issue is remedied. Apparently this then becomes the Town's issue to resolve. Both the aging home and homeowners plays into this equation. Korinne stated that the DHCD point person was very happy to hear that BHB is currently assembling a preservation/maintenance program as a proactive step.

Al discussed the self-certification letters and the most recent changes made that include an introduction to the BEAP program and allude to the maintenance program as we are yet unsure of how it will look. Jessi suggested an addition to the letter speaking to the recent program for free dump stickers for the deed restricted units. All agreed this was a good idea. Korinne also thought it is better to ask for more demographic info to include phone number and email address – this will help to achieve a more cohesive communication strategy in the future. Al agreed to make the suggested new changes. Dolores moved to finalize the letters and it was voted to approve it unanimously.

Al and Korinne had been researching various aspects of the newly proposed maintenance program. Korinne thinks we should take direction from both Concord and Marlboro's program aspects. Korinne mentioned that Alec put her in touch with Alex McHugh over at Franklin County Housing. He unfortunately made her aware that Boxborough wouldn't be a good candidate for DHCD funding. Alec did confirm this and that other opportunities should be explored. Korinne read from an email. "If you're thinking of a CDBG-funded program, to be honest, Boxborough doesn't have the low-to-moderate income percentage that makes it a strong candidate. Your percentage is 21.7%, which gives you a low score from the get-go. All grant applications are scored based on a number of factors and responses in the application. Each town is assigned a score for their LMI percentage that is added to the overall score. I'm not saying you couldn't get funded, I just think it may be a lot of work for an outside chance." Although not the answer we'd like to hear it was agreed this grant should be put on the back burner and we should pursue more promising funding such as CPA (as previously mentioned by Ron).

Al explained that at the affordable housing forum held in Acton other Towns were speaking to creating maintenance programs or continuing to fund already established programs. Al raised concerns surrounding funding but also who at the Town would help to administer a program such as this. Jessi and Korinne volunteered to look into this further. Korinne mentioned that she and Wendy were working on logistics of how the program might look - for instance how the application would work? If there were income guidelines instituted who verify such? Wendy mentioned she spoke with Stephanie Peterson at MetroWest CD to inquire how she performs income verification for BRAP. Wendy and Al further discussed the process which includes looking at paystubs and bank statements which are then inputted into an Excel Spreadsheet. No IRS database is used. Channing asked about 21% of households that the Franklin County person spoke to ... Alec said that the 21% is measured based on the last census data and continuing surveys. CBDG target communities with higher LMI and therefore those communities (like Brocton or Lawrence) are better suited for this funding. Alec further stated that the BHB has expressed sincere intent to get this program off the ground and he is committed to helping us achieve this goal as he truly believes this is a worthwhile cause that the Town truly needs.

Al passed out some pins to the BHB that was given to him from Mike Johns. These pins are for those on volunteer boards.

Dolores made a motion to adjourn. It was seconded. A vote was taken, and meeting adjourned.

**List of documents/exhibits referenced/used.**

1. Agenda
2. Minutes meeting of Jan. 26, 2022
3. Boxborough affordable housing initiatives
4. DCT Affordable Housing Forum Report
5. Staff's Estimate of Cost - Boxborough Meadows
6. Draft of Self-Certification master
7. Stow Road Property background description
8. Franklin County maintenance program description