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Topic: Community Preservation Committee

Time: Mar 24, 2021 05:30 PM Eastern Time (US and Canada)

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Town of West Tisbury  
Community Preservation Committee (CPC)  
Meeting Minutes – March 10, 2021, 5:30 pm  
Virtual Meeting via Zoom

The meeting was called to order by Chairman Cheryl Lowe, at 5:30 pm.

Present:       Bea Phear, John Rau, John Brannen, Ted Jochsberger, Doug Ruskin, Cheryl Lowe, Jeffrey DuBard, Nancy Dole

Others:        Heidi Dietterich, Administrative Assistant

Cheryl Lowe called the meeting to order at 5:30 pm.

A letter had been received from a citizen of West Tisbury and was shared with the Committee. Angela Aronie had written to the Committee in support of the TRI/PALS program and was asking if the CPC would reconsider the program's eligibility for funding.

The Committee discussed her request. Doug Ruskin said that after significant research had been conducted by the CPC, the TRI/PALS request had been denied. The TRI/PALS program did not place a perpetual affordable housing deed restriction on the properties using the program funding was an issue, as well as the homes being private 'market rate' homes. John Rau stated that the State Community Coalition did not find the program eligible and that the program did not meet the intent of the State legislation. The Massachusetts Housing Partnership had also determined that this project did not meet eligibility guidelines for CPA monies, and also said it did not meet the intent of the State legislation.

The Committee asked Dietterich to let Aronie know that they had received her correspondence and further, let her know that the Committee would respond to her question following review of a letter to be drafted by Dietterich at their next meeting.

Beatrice Phear said the letter should acknowledge TRI is as an excellent program, but as it is currently set up, it is not eligible for CPA funding. Phear also stated that TRI could perhaps rework their program, or construct another type of program that would be eligible for CPA funding.

Jeffrey DuBard indicated that the West Tisbury Municipal Housing Trust funds could only be used with perpetual affordable housing deed restrictions put in place on those projects seeking funding. The Housing Trust must follow the legislation as it applies to CPA funding.

Nancy Dole indicated she was "not impressed" with the Committee's response. She did not find the Community Preservation Coalition's response adequate, and that they were not

attorneys. She also said it was time for town counsel to review this again. It was reported that this program had been reviewed by town counsel several years prior to this year's application.

Doug Ruskin said you can't satisfy everyone and that a perpetual affordable housing deed restriction needed to be a part of this program. Why not ask the other towns that found the program eligible, how they found it eligible?

Jefrey DuBard shared a circumstance that taking place in Boston with an affordable housing project. The property had had only a short-term affordable housing deed restriction on it, initially. The affordability restriction had now expired and the developer was selling the property at market rate. The deed restriction is the mechanism that puts guard rails in place, to be sure that the project is maintained for the community (public) as an affordable housing asset. This type of project becomes a grey area and it is possible that this could go down the lawsuit road, as the anti-aid amendment project (with the Acton Church) did.

John Brannen indicated his exasperation with Oak Bluffs and Edgartown's lack of communication and he shared his concern that these Towns may not have conducted their due diligence with stringent research and the Towns went ahead and approved the program.

Nancy Dole indicated that she understood Jefrey DuBard's point. Without a permanent affordable housing restriction in place on a property, this type of project can be taken advantage of--at taxpayer's expense. She suggested perhaps the Committee could be in communication with Oak Bluffs, Chilmark and Edgartown, and discuss how they arrived at their decision.

Cheryl Lowe said in this year's funding cycle, the research had been completed and the CPC's project recommendations had been made. The warrant articles had been drafted and submitted. Perhaps any future application by TRI/PALS could rework their program so that it might become eligible for CPA funding.

Doug Ruskin suggested that if TRI/PALS applied for CPA funding again, their program administrator could brainstorm with Stuart Saginor at the Community Preservation Coalition and Massachusetts Housing Partnership, on how to change the nature of the program that it would meet the eligibility guidelines of the CPA. The recipients of this grant award would have to change the nature of their property to affordable housing.

Bea Phear indicated that she had been the administrator of the (Community Development Block Grant) CDBG program in Cambridge, which was a loan repayment program. The loans were based on the income level of the borrower and always got repaid—a revolving loan program for West Tisbury might be considered by TRI/PALS. Nancy Dole asked about a zero percent interest loan as a possible idea. Ruskin said that in addition to a perpetual affordable housing deed restriction, any profit made in a market sale of one of these homes (if the project were modified to become eligible) would go to the Town of West Tisbury. John Brannen said if TRI/PALS modified their program so that these grants would only go to homeowners who

agreed to change the nature of their homes to community affordable housing with permanent affordability restrictions, perhaps their program could become eligible for CPA funds.

The Committee asked that Dieterich draft a letter back to Aronie and that the Committee would hold their regular meeting and review the letter on March 24, 2021.

Old Business:

The Committee discussed recommending Mary Sage Napolitan as the appointee to the CPC. On a motion made by Jeffrey DuBard, seconded by John Rau, the Committee voted to recommend Mary Sage Napolitan as the At-Large member to the Board of Selectmen, with six votes in favor and two abstaining since they did not know her. The vote passed 6-0-2. Dieterich was asked to let Jen Rand know of this recommendation so that it can be placed on the Board of Selectmen's upcoming agenda.

The Committee received a copy of the Mayhew Chapel letter which had been sent to Bettina Washington, certified mail, return receipt requested. The letter informed the project administrator that the Mayhew Chapel project funds would be returned to the CPC fund since five years will have gone by as of June 30, 2021, and the funds had not be utilized.

The Committee received the listing of CPC liaisons for this year's recommended projects which will be presented to the citizens of West Tisbury, for their consideration at Town meeting.

The Committee reviewed the minutes from the February 24, 2021 meeting. Cheryl Lowe asked if the Committee had any changes or corrections to the minutes. On a motion made by Beatrice Phear, seconded by Ted Jochsberger, the Committee approved the minutes unanimously.

With no further business, the Committee voted unanimously to adjourn at 5:55 pm.

Respectfully submitted,

Heidi Dieterich  
Administrative Assistant

### WTCPC statement on affordable housing

The West Tisbury Community Preservation Committee (WTCPC) is charged with recommending the appropriation of CPA funds for projects that have enduring public value for the town and its residents. With respect to community housing, this means that affordable housing ownership initiatives supported by CPA funds should remain available in perpetuity to eligible households with incomes less than or equal to 100% of the area median income. Although there is no statutory requirement that CPA-funded community housing properties carry permanent deed restrictions unless they are constructed on town-owned property or acquired for the town, such deed restrictions are not precluded by statute and the WTCPC has employed them in cases where the assurance of permanent affordability is needed.

For example, in 2009, the CPC recommended Article #34: “To see if the Town will vote to appropriate the sum of \$50,000 from the Community Preservation Undesignated reserve to support energy-efficient construction of *permanently deeded affordable housing for West Tisbury residents with incomes at or below 100% of the area median income*, with funds to be administered by the Island Affordable Housing Fund subject to a grant agreement requiring that specific projects be designated and approved by the Community Preservation Committee in advance of any payment from this appropriation.”

In this case, it was essential to require permanently deeded affordability because there was no requirement that funds would be used only for houses built on ground-leased land with permanent deed restrictions.

By contrast, in 2008, the CPC recommended Article #30: “To see if the Town will vote to appropriate from the Community Preservation Community Housing reserve the sum of \$20,000, and from the Community Preservation Undesignated reserve the sum of \$380,000, toward construction of affordable housing at 200 State Road being developed by the Island Housing Trust with funding by the Island Affordable Housing Fund, provided that eligible applicants will be selected with the West Tisbury Affordable Housing Committee.”

The “permanently deeded” language was not necessary in the 2008 warrant article because the Island Housing Trust’s 99-year ground lease establishes permanent affordability and formed a part of the 2007-08 application for these funds. Moreover, the Community Preservation Coalition has stated that “The requirement in Section 12 for a permanent deed restriction would only come into play should you provide CPA funds for an acquisition, in our opinion.”

Likewise, in its 2008-09 application, the IAHF was solely interested in reducing the prices on two houses at 250 State Road to make them accessible at <100% AMI; no changes in ground lease provisions or deed restrictions were involved.

In sum, WTCPC recommendations have been framed to include long-term affordability of community housing constructed or supported with CPA funds.

February 8, 2010



**Town of West Tisbury**  
Community Preservation Committee

PO Box 278, West Tisbury, MA 02575

Nancy Dole  
Jeffrey DuBard  
Ted Jochsberger  
Cheryl Lowe

Beatrice Phear  
Doug Ruskin  
John Rau  
John Brannen

March 24, 2021

Ms. Angela Aronie  
PO Box 1385  
West Tisbury, MA 02575

Dear Ms. Aronie:

The West Tisbury Community Preservation Committee is writing in response to your query regarding the Committee's decision determining the TRI/PALS program as ineligible for CPA funding. At the March 10, 2021 meeting, the CPC reviewed your letter and your questions about this decision.

The Committee is sympathetic to your financial situation regarding the cost of housing and repairs on Martha's Vineyard, and are very aware of these costs continuing to rise. The Committee is also aware of the good work that the TRI program does for the Island's citizens (and our neighbors) who are eligible for the TRI program's funding.

However, after significant research, the Committee determined that the TRI/PALS program as currently set up, is not eligible for CPA funding. It has been the CPC's habit since February of 2010, that any funds used for housing, whether new construction, remediation or other assistance, be only for those projects where affordability is restricted in perpetuity.

If the TRI/PALS program is modified to meet the eligibility requirements for CPA funding, the Committee will revisit the program for review.

The Committee thanks you for your interest in the program and the CPC's work. If you have any further questions, please let us know.

Best regards,

Cheryl Lowe, Chairman  
West Tisbury Community Preservation Committee  
[cpa@westtisbury-ma.gov](mailto:cpa@westtisbury-ma.gov)