

**Community Preservation Committee
Town of Dennis
Thursday, February 9, 2012
6:30 P.M.
Town Hall**

1. Call to order; quorum count. Meeting was convened at 6:33 with a quorum of 6 out of 7.
 - In attendance, Henry Kelley, Frank Dahlstrom, Burt Derick, Dorria DiManno, Juan Donlin, Frank Verny
 - Guest, Rick White (on behalf of Sheryl McMahan, who was at another meeting)
2. Minutes of January 25 corrected as follows:

In item #6: “Sheryl stated that as the agenda said Status Report, she didn’t anticipate any action on this tonight.” Also in Item #6: “ ...Henry reminded the committee that at the meeting Kevin attended on September 21, he himself stated that he would withdraw the application if the project is not started by December 31, 2011.”

Moved to accept as amended by Juan, seconded by Frank D., all in favor, so voted.

3. E. Howland Community Housing Project Discussion:

Rick said that he was aware of committee’s concern that the project still has not moved forward, and noted he has been in regular contact with Kevin McNeill since November. After changes to the Town’s by-laws and other legal issues, Kevin applied for a Special Permit, which was approved by the Planning Board in December 2012. He (Kevin) views that as “a start,” whether the CPC does or not.

According to Rick, a new provision in the law says that once a second appeal has arisen on a property (as is the case here); developers can proceed at their own risk. Kevin has confirmed with Rick and Sheryl that he is preceding: preliminary septic system designs are being worked on for February 22 submissions to the Board of Health and for a March 8 hearing by that Board. Rick feels that the schedule (provided by Kevin) is reasonable, but that it could slide.

The most recent Davenport legal challenge addresses whether or not the ancient way can be accessed for the new housing. While Kevin believes he can use this access, if he cannot do so, he will go to the Planning Board for approval of access from another road instead. There are conflicting reports regarding the road, i.e., Davenport’s appeal is predicated on a conversation with Joe Rodricks about the road and Rodricks disagrees with Davenport’s report.

Rick underscored the support from the Town and Board of Selectmen for the project; Kevin has given the Selectmen and Rick the full commitment that he is going forward with the schedule as printed. While he has not communicated well with CPC, he has communicated regularly with the Board of Selectmen.

The Committee discussed the communication issue at length. Burt expressed that it doesn’t matter that Kevin talks to Board of Selectmen, but that he should have been communicating CPC as well – then and now.

Frank D.: Kevin has the right to go ahead, based on the new law (just over a year old). The things that he is doing now with the Town are all do-able – but when it gets to bidding, the time estimates are generous.

And, he has never done anything that CPC asked him to do (i.e., ongoing communication, letter of commitment, pro forma, etc.).

Frank V.: There is concern that his legal problems may not be over; he has not provided any written or substantial information that that is the case.

Burt: Agreed that the lack of communication from Kevin is a problem. There has not been a problem waiting for his project because CPC did not have other (competing) housing applications – but if new ones come in as anticipated, we want to be able to consider funding them. Burt supports withdrawing the money at Town Meeting in May if it looks like we will need the funds for another project.

Frank D.: Agreed that this is a very positive application to the town and to housing. Kevin should come to the CPC at least monthly to keep us apprised so we can determine if the project is on track. Agreed that the schedule is optimistic, but if Kevin is close to starting by May, he would like to see the project funding remain. If not, we should withdraw the funds and Kevin should re-apply.

Dorria: Expressed that while it is frustrating that Kevin has not communicated appropriately with CPC, this is not a reason to withdraw the funding. This is a good project, of benefit to the Town. Closely related, however, is how Kevin's seeming lack of regard for the CPC translates into good business practice – especially as the Town is making a commitment to doing business with him.

Juan: Suggested that we watch what happens in the weeks leading up to Town Meeting, and revisit withdrawing the funding as the Town Meeting warrant article deadline approaches.

Burt: Would like an updated letter from Kevin by March 15.

Henry: Reviewed each process step and key deadline since the beginning of the project, the delays during litigation, and the events in the past year.

After last spring's Town Meeting that corrected the zoning that cleared the court challenge, CPC corresponded with Kevin, stating that because litigation was no longer an issue, CPC needed to receive a complete pro forma and a letter from a lending bank that says that they are going to fund the project.

Kevin did not respond, but his attorney subsequently sent an e-mail that Kevin was working with Board of Health, and would answer all of CPC's other questions, which did not happen. Kevin did not respond to two more CPC requests.

When CPC communicated to Kevin that we were considering a proposal to rescind the money, Kevin agreed to come and meet with the committee, which he did on September 21, 2011.

At that time, CPC again requested a pro forma and a bank statement that confirmed that he had the financing. He agreed to do so if CPC put that request in writing, which CPC subsequently did. What CPC received was a general letter of support from the bank, and no pro forma from Kevin.

To the present time: Henry reminded the CPC that some of the money we awarded to the Melpet housing project had to come from undesignated funds in the last round because there was not enough money in the Community Housing fund, so even though holding the funds for the Howland project hasn't yet affected other housing projects, it has affected CPC funding in general.

Frank V.: Expressed concern about waiting for other project requests before moving on this one, because we anticipate that Melpet will be applying for more funding, and the Setucket Road project is in the pre-

development stages. It might be possible that some groups are not even applying to CPC because they feel that the money is not there. Frank expressed concern that even with CPC funding, there may not be other funding available for the Howland project at this point.

After further discussion, the committee agreed that CPC must be clear with all parties about our intention to put an article on warrant to withdraw the funding, and will make our decision shortly. The committee again requests that Kevin provide CPC with a bank letter and the pro forma.

A motion was made as follows:

- Inform the Board of Selectmen that we are asking Town Council to prepare a warrant article to rescind the funding, and ask the BOS to include it in the Town Meeting warrant, with the further understanding that this committee may choose not to go forward with that article. Motion made by Dorria, seconded by Burt. Motion passed with a vote of 5 yes, 0 no, 1 abstain.

Henry: Noted further that the original proposal from Kevin was for 18 units affordable (9 at 80% and 9 at 120% of income limits), and all would be for sale. Kevin changed this to 16 units affordable in the new Special Permit application approved by the Planning Board. This raises the question as to whether or not this is still a legal CPC application because the breakdown of the units has changed.

Rick: Will ask Town Counsel on our behalf to review this motion/issue, and he will also let Kevin know of our motion. Rick expects that he will be back in touch with us.

7. Unanticipated business: None

8. Next meeting: Wednesday, February 22 at 6:30 P.M. Will devote part of the meeting to compiling the calendar of events, including a timetable for the Board of Selectman presentation and the 2012 – 2013 application process.

9. Adjournment at 7:55 P.M. moved and seconded, all in favor, so voted.