

Town of Wellfleet
Wellfleet Affordable Housing Trust
Board of Trustees
Minutes of March 29, 2021

Present: Elaine McIlroy, Kathleen Nagle, Sharon Rule-Agger, Harry Sarkis Terkanian, Jim Hood, and Gary Sorkin. Absent: Mike DeVasto.

The meeting was called to order at 7:02 PM by Mr. Terkanian. All members except Mr. DeVasto were in attendance when the meeting began; Mr. DeVasto joined the meeting at 7:08 PM.

1. Announcements and public comment. None.
2. Status of other housing related activities. Ms. McIlroy announced the buydown lottery will be Wednesday at 5:00 PM outside town hall. She and Mr. Sorkin also checked in with the new assistant town administrator. Mr. Sorkin noted receipt of a \$25,000 bequest from the Katherine Stillman estate. Mr. Terkanian noted that he spoke with the town treasurer and accountant and then communicated instructions on where to send the funds to the attorney settling the estate. He also understood that the town's audit is complete and receipt of the auditor's management letter is pending. Once the management letter issues are addressed the town can begin transferring funds from the old housing trust to this trust.
3. Review of Draft housing trust bylaw and declaration of trust. Mr. DeVasto joined the meeting at this point.
 - A. Bylaw review. Mr. Terkanian outlined the steps taken since the last meeting with town counsel and presented a revised draft which incorporated the changes requested by the trust with a couple of exceptions. Both were comments rather than edits. It was moved by Mr. Sorkin, seconded by Mr. Hood and after discussion voted by unanimous roll call vote (7 – 0) to "submit the affordable housing trust bylaw to the selectboard for inclusion on the annual town meeting warrant."
 - B. Declaration of Trust review. Mr. Terkanian outlined the steps taken since the last meeting with town counsel and presented a revised draft that incorporated the changes requested by the trust with a couple of minor comments. The revised draft still includes criteria for appointment which need correcting. It was moved by Mr. DeVasto, seconded by Ms. McIlroy, and after discussion it was voted unanimously by roll call vote (7 – 0) "to accept the declaration of trust as amended and to forward it to the selectboard for their review."
4. Status of transfer of affordable housing assets to the Trust. Discussed during agenda item #2 above. Mr. DeVasto noted that there were a couple of issues that remain to be addressed; he was uncertain if the issues would delay funding of the trust.

5. Housing Action Plan and Mass Housing Partnership (MHP) technical assistance grant. Mr. Terkanian raised the issue of who should be appointed to the initial scoping and scheduling committee to meet with the MHP to plan out implementing the technical assistance grant. Mr. Terkanian suggested Ms. McIlroy, Mr. Sorkin and Susan Spear and one additional trustee. The trustees suggested that the chair fill the remaining position. Mr. Terkanian asked if the trust should vote to accept the grant. It was moved by Mr. Sorkin, seconded by Ms. Rule-Agger and after discussion unanimously voted by roll call vote (7 - 0) to accept the Mass Housing Partnership technical assistance grant.” There was consensus agreement that the proposed makeup of the scoping committee was acceptable.
6. Annual Town Meeting Items.
 - A. Trust Bylaw. Discussed and acted upon under item 3. A. above.
 - B. Accessory Dwelling Bylaw. Ms. Rule-Agger stated that she would like trust support for the amendment. The current state of the bylaw draft is that it is still being revised. Mr. Terkanian suggested that even if not perfect that it be submitted as review by counsel and the planning board will provide opportunities for broader comment and revision. The trustees discussed whether the bylaw should be submitted as a petitioned article or submitted by the Local Housing Partnership. Mr. DeVasto note that the safest route would be to do both. It was moved by Mr. DeVasto and seconded by Ms. Nagle and after discussion unanimously voted by roll call vote (7 – 0) to “support the concept of accessory dwelling units wherever possible as a matter of right in all zoning districts except the Seashore District.”
 - C. Allocation of short term rental tax receipts to the Trust. Mr. Terkanian reported on the presentation to the selectboard on March 23rd. Mr. Terkanian presented his notes on the history of the rooms tax and discussed what the current legislation allows municipalities to tax. Mr. DeVasto felt that there was unlikely to be an appetite for imposing both the community impact fee and raising the local excise from 4% to 6%. He also felt that significant wastewater expenditures were still in the future. He also was not in favor of short term rental tax revenue being used to subsidize the upgrade of septic systems for properties used for short term rentals. The revenue should be used for addressing the problems caused by short term rentals rather than subsidizing them. Consensus discussion was that the need for the revenue is significant, that the short term rental tax is tied to a significant cause of the housing problem and that there are no significant resources available for moderate (I. e. up to 120% of area median income (AMI)). Ms. Nagle noted press reports stating that the revenue from the first half of fiscal 2021 was about \$700 thousand dollars. It was moved by Mr. Sorkin, seconded by Mr. DeVasto and after discussion was unanimously voted by roll call vote (7 – 0) to “request that 80% of fiscal 2021 short term rental tax receipts received and not already allocated another purpose and receipts not yet received be allocated to the affordable housing trust.” While several trustees were of the opinion that the entire short term rental tax receipts be allocated to the trust, they also felt that 80% of the receipts was more doable. It was moved by Ms. McIlroy, seconded by Ms. Nagle and after discussion unanimously voted by roll call vote (7 – 0) to request a town meeting

vote permanently allocating 80% of all future short term rental tax revenue be transferred to the affordable housing trust for housing purposes.”

7. Possible real estate purchase opportunity: 30 Old King’s Highway. Mr. Sorkin reported that he had received a call that the owner was looking to sell this property. He has spoken to the owner. He described it as assessed at \$263,000 and is a 4.4 acre parcel that is a long, thin parcel. There is currently no asking price. He also noted that the shellfish community faces unique housing issues in that their shellfish licenses are tied to Wellfleet residency. The possible application of the affordable flexible residential design zoning bylaw (section 6.6A) was discussed. Mr. Terkanian noted the parcel area suggested support of up to 16 bedrooms. He also noted that there are issues raised by the current and historical deed descriptions, specifically the deed dimensions are smaller than the dimensions indicated on the assessor’s atlas and the deed lacks a reference to the Old King’s Highway. He felt that at a minimum we would need a survey verifying area and road frontage consistent with the assessor’s atlas dimensions as a condition of purchasing it. Ms. Nagle noted that there are only seven parcels of land listed for sale in Wellfleet, some of which are subject to restrictions and many of which have extremely high asking prices. Mr. Terkanian suggested that if we want to consider negotiating strategy we should discuss it in executive session. Mr. DeVasto concurred. After discussion the trustees agreed to schedule a meeting at 10:00 AM April 2nd to further consider this property.
8. Adjournment. It was moved by Ms. Rule-Agger, seconded by Mr. DeVasto and unanimously voted (7 – 0) by roll call vote to adjourn. Meeting adjourned at 9:08 PM.

Respectfully submitted

Harry Sarkis Terkanian, Chair

Public documents:

1. Draft Affordable Housing Trust Bylaw.
2. Draft Affordable Housing Trust declaration of trust.
3. Rooms tax notes memorandum.
4. Wellfleet Assessor’s Atlas sheet 30 (Town web page).
5. Deed for property at 30 Old King’s Highway (Barnstable Deeds web site).