

**MINUTES
BOARD OF TRUSTEES OF THE
HARWICH AFFORDABLE HOUSING TRUST
GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
WEDNESDAY, JUNE 11, 2025 - 5:00PM**

MEMBERS PARTICIPATING: Larry Ballantine, Chair, Brendan Lowney, Vice Chair, Bob Spencer, Clerk and Claudia Williams

I. CALL TO ORDER

Mr. Ballantine called the meeting of the Harwich Affordable Housing Trust to order on Wednesday, June 11, 2025 at 5:00PM. The Chair declared a quorum. He noted that Jeff Handler is now the Trust's Select Board liaison.

Mr. Spencer moved to enter into Executive Session as presented. Seconded by Ms. Williams.

Vote: 4:0 in favor by roll call vote. Motion carried.

II. PUBLIC COMMENT

III. EXECUTIVE SESSION

A. Pursuant to MGL c. 30A, s21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town; 0 Depot Road, Assessor's Map 63 J3.

Mr. Ballantine opened the public meeting.

IV. NEW BUSINESS

A. Create a "Thank you for your support" ad for the Chronicle

Mr. Spencer commented that he thinks it is good practice to communicate gratitude and appreciation and suggested the Trust do that with the community of Harwich to thank them for their support.

Ms. Williams commented that she agrees with the idea of a thank you once a project has been completed or there is a milestone in a project.

Mr. Lowney agreed with the previous comments.

Mr. Ballantine also agreed noting that there will be a milestone with the opening of the old firehouse and suggested possibly placing an ad thanking the community for supporting affordable housing.

Mr. Spencer noted that Bells Neck would be another benchmark and offered to reach out to the Chronicle to develop an ad to be used on multiple occasions.

Mr. Ballantine moved to Agenda items, Old Business B. and C.

V. OLD BUSINESS

A. Discuss the use/disposition of:

0 Oak Street

0 Depot Street

0 Depot Road

Mr. Spencer commented that he would like to put 0 Oak Street and 0 Depot Street on the market.

Trust members discussed doing an RFP and getting an appraisal or assessment of the value.

Mr. Lowney noted that with an RFP, they need to set a minimum.

Mr. Spencer suggested that the Trust needs counsels to advise on the best way to proceed with disposing of the properties.

Mr. MacAskill noted that the town recently sold three properties and there is a straight forward process. He suggested that the Trust go through Mr. Handler for whatever they need.

Mr. Ballantine noted that the Trust could get an appraisal or use the Assessor's value. Once they have made a decision, they have to stick with it.

Mr. Spencer moved to initiate conversation with Meggan Eldredge to talk about the proper procedure to sell 0 Oak Street and 0 Depot Street and get the process underway. Seconded by Mr. Lowney.

Vote: 4:0 in favor. Motion carried.

B. Meet with the Harwich Junior Theater and Harwich Historic Commission to discuss the formation of a working group to study the potential of 265 Sisson Road as a Historic campus.

Postponed to a future date.

C. Discuss and possibly approve Harwich Junior Theater request to install a fence at the site as a safety issue. He noted that the HJT needs the Trust's approval to go before the Historic District.

Chuck Alexander, one of the Directors of the Harwich Junior Theater, noted that they have had a lease with the Town for fifteen years and the HAHT now owns the property. He explained their summer schedule with children ages 4-13 and expressed concerns about keeping the kids out of the parking lot. He distributed copies of the property and the proposed fence.

Mr. Lowney commented that he is in favor of the fence because it is a safety issue but would also like for Trust members to do a tour of the building and look at other issues regarding safety.

Mr. Ballantine asked if the ADA compliance had been addressed at the HJT.

Mr. Alexander described the limited use of ADA compliance to the first floor.

Mr. Ballantine asked if there had been discussion about the second floor and the ADA compliance.

Mr. Alexander responded that there had been some discussion but he was not aware of any plans. He gave a description of the second floor layout. He also noted that the town will be replacing the fire escape.

Mr. Ballantine stated that, as current landlords, the Trust should be notified when those activities take place.

Mr. Alexander responded that he and Mr. Ballantine did have a previous discussion.

Mr. Lowney noted that per the lease, the fire egress stairway is done by the landlord. It should be brought before the Trust and potentially Historic as well.

Michael MacAskill of 22 Moss Hill Road thanked the Trustees for all their work. He noted that he had contacted Mr. Ballantine about the vote on the fence and thanked him for putting it on the agenda to give the public a chance to speak. He commented that he has no problem with the fence due to safety issues. He referred to Article 61 of the 2019 Annual Town Meeting and noted that nowhere in the specific purposes does it include language or anything about a current lease. The lease sits in the Town of Harwich but they are not the holder of the deed. He asked how valid any of this is without having any idea who is liable for what and who has specific responsibilities. He commented on the situation with the stairs being unsafe and that the second floor is still being used. He

asked if the Trust or the Town of Harwich is liable if something goes wrong and who would grant permission for the town to do any work. He implored the Trust to speak to the Town Administrator and Town Counsel to clarify issues before any decisions are made on that property. He suggested next steps when there is clarification of who the landlord is of the HJT. He also noted that there is no financial trail for the building including the costs to the building and whether or not the tenant or the town has done what they are supposed to do in the lease arrangement. Mr. MacAskill commented that he was unsure if the second floor should be being used and that the Building Commissioner needs to go in there. He asked that the Trust not deal with the next issue until they get more answers. He also commented that the HAHT is a fiduciary Trust and any other idea or concept other than affordable housing is not what Town meeting voted. He asked that the HAHT take the intent of the Article into consideration before they make any decisions. Mr. MacAskill commented that there is not a legal lease on that property at this time because the Town of Harwich is not the owner, the HAHT is the owner.

Mr. Ballantine responded that the members of the HAHT have tried to get clarification on the lease and asked questions regarding liability and insurances. They have not received responses to their questions.

Mr. MacAskill commented that the Town's insurance company may not know that those properties are being occupied.

Mr. Ballantine noted that the HAHT is trying to be as creative as they can to create more housing and noted possible options for the property. He added that they need answers to their questions so they can move forward on what is best for all involved.

Mr. MacAskill referred to when the Select Board gave the HAHT the properties and noted that the intent was, that if the Trust couldn't use the properties, they would give them back to the town.

Mr. Lowney noted that KP Law did weigh in when the Trust first got the property and said that the lease does transfer to the Trust and that the Trust would be the landlords. They also said that the HAHT is not designed to be landlords. He suggested that the Trust put a break on everything to evaluate where they are with the property. Mr. Lowney asked the applicant why the fence requested is 42 inches high.

Mr. Alexander replied that they did not need a visual obstruction, just something to keep the kids on one side. It was also based on building materials.

Ms. Williams asked, if they approve the fence tonight and the Town says the Trust is not in that position, what the next steps would be. She commented that the HJT is in need of support and the Trust needs to find out where that support should come from.

Mr. Spencer noted that he would be willing to put Old Business Item B. on hold until the Trust is able to do more research and clear answers. He added that he doesn't want anyone in a position of having a program for kids without a fence. He feels it would be wrong to not do something.

Ms. Williams noted that as current landlords they should be able to make sure the stairs and other things are happening for the HJT.

Mr. Lowney moved to approve the fence with two conditions, that the outside space not be used until the back staircase is repaired and the fence is up.

Mr. Alexander noted that there had previously been a plastic construction fence that still exists. It is more of a visual barrier than a physical barrier. He also noted the timeline for the stair repair.

Mr. Lowney noted that they are unsure if the Trust or the town is paying for the stairs. He commented that they should agree that if there is a cost associated with the staircase, the landlord is supposed to take care of it. Mr. Lowney noted that the HAHT doesn't know anything about the staircase, including the cost.

Mr. Alexander noted that their class schedule begins June 23rd. If the Trust approves the fence, the HJT will go before the Historic Commission next week. He also noted that he does not know the cost of the staircase.

Mr. MacAskill suggested that the HJT speak with the DPW about getting some big rocks strategically placed as a barrier. He also noted that the HJT will have to go to Historic for the stairs, which had not been mentioned. He noted that the HAHT does not know how much the fence will cost or whether or not they will be getting the rent. Mr. MacAskill referred to a suggestion about these of the property and asked the Trust to think about the Town Meeting Article's intent and whether or not the Trust should be involved in that. He suggested that the property should be given back to the town because that project would be outside of any affordable housing project.

Mr. Spencer replied that the intention all along has been to develop affordable housing there if it is a possibility. If they did that, it would be with the historic nature of that space.

Ms. Maslowski pointed out that the HAHT's vote tonight on the fence, doesn't permit the fence. It is correcting the defect that it hadn't been voted on before it came to the Historic Agenda. It is on the Agenda for next week. She added that the fire escape is not for Historic, it is strictly the Building Commissioner.

Mr. Ballantine suggested that they move forward on the fence and that he and Mr. MacAskill meet and go over the details they are questioning. He also noted that he will try and clarify who is paying for the fire escape.

Mr. Lowney reread his motion. He moved to approve the HJT to install a fence at site for safety issues as submitted with a contingency that the rear access staircase and fence be done by June 23rd.

Ms. Williams questioned if they need to tie the fence and the staircase together based on Ms. Maslowski's comments.

Mr. Lowney moved to approve the HJT's request to install a fence at the site for safety issues as submitted. Seconded by Ms. Williams.

Voter: 4:0 in favor. Motion carried.

Mr. Ballantine noted that item B, will be postponed to a future date.

D. Discuss Inclusionary Zoning and its use in affordable housing initiatives

Ms. Williams noted what had been done in Chatham as well as the positive response.

Mr. Ballantine commented that it may not be for the HAHT to do but it may be a By-law.

Ms. Williams suggested giving the idea to the Housing Committee. She also noted that it would be helpful to have Christine Flynn at a meeting to share information.

E. Approve the Minutes for the following meetings:

1. February 1, 2025 (corrected to February 12, 2025)
2. March 12, 2025
3. April 16, 2025
4. May 7, 2025
5. May 14, 2025

Mr. Spencer moved to approve the Minutes from February 12, 2025, March 12, 2025, April 16, 2025, May 7, 2025 and May 14, 2025. Seconded by Mr. Lowney.

Vote: 4:0 in favor. Motion carried.

Mr. Spencer noted that the Trust had voted to approve the land lease and asked if it was published on the website.

Mr. Ballantine replied that he will followup.

June 11, 2025

VI. NEXT MEETING: July 9, 2025

Mr. Ballantine commented that the 5:00PM meeting time may not work for Mr Handler. Trust members discussed meeting on Mondays at 1:00PM. He will follow up with Mr. Handler and pick a date.

Mr. Ballantine noted that the next meeting will Monday, July 7, 2025. He will be unable to attend. He also noted that he will look into scheduling a tour of the HJT, the fire station, John Carey's properties and the Pennrose.

VII. ADJOURN

Ms. Williams moved to adjourn. Seconded by Mr. Lowney.

Vote: 4:0 in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary