

## DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

### Minutes

Public Facilities Commission  
Department of Neighborhood Development  
26 Court Street, 1st Floor, Winter Chambers  
Boston, MA 02108

October 30, 2019

#### **ATTENDING:**

Katherine P. Craven, Chair  
Lawrence D. Mammoli, Commissioner  
Dion S. Irish, Commissioner  
Angela D. Atchue, Legal Advisor PFC/PFD, Law Department  
Colleen M. Daley, PFC Secretary  
Catherine P. Pendleton, Articled Clerk PFC/PFD, Law Department (Not Present)  
Henry C. Luthin, First Assistant Corporation Counsel, Law Department (Not Present)  
Sean Chen, Assistant Corporation Counsel, Law Department  
Kellie Duffy, Intern PFC/PFD, Law Department  
Sheila A. Dillon, Chief and Director, DND (Not Present)  
Marcy Ostberg, Director of Operations, DND (Not Present)  
Alexander Sturke, Director of Communications, Marketing, DND  
James McDonough, Senior Staff Attorney, DND  
Rick Wilson, Deputy Director of Finance, DND  
Debra Rufo, Controller, Administration and Finance, DND  
Philip Sweeney, Operations Manager, Administration and Finance, DND  
Jessica Boatright, Deputy Director, Neighborhood Housing Development Division, DND  
William Epperson, Assistant Director, Real Estate Management and Sales, DND (Not Present)  
Donald Wright, Deputy Director, Real Estate Management and Sales, DND  
Joseph Backer, Housing Development Officer, Neighborhood Housing Development Division, DND  
John Feuerbach, Senior Development Officer, Neighborhood Housing Development Division, DND

Chair Craven called the meeting to order.

The minutes from the meetings of September 25, 2019, for the Public Facilities Department and the Department of Neighborhood Development, were presented to and approved by the Commissioners.

#### **VOTE 1: Donald Wright, Deputy Director, Real Estate Management and Sales**

**Transfer of the care, custody, management and control from the Department of Neighborhood Development (DND) to the Boston Conservation Commission (BCC):** Vacant land located at an unnumbered parcel on DeForest Street, Hyde Park.

#### **Property Transfer**

Ward: 18  
Parcel Number: 08648000  
Square Feet: 5,000  
Assessed Value Fiscal Year 2019: \$31,600  
DND Program: GrassRoots

Subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31A (as appearing in St. 1966, c. 642, § 12), the vacant land located at an unnumbered parcel on DeForest Street (Ward: 18, Parcel: 08648000) containing approximately 5,000 square feet, in the Hyde Park district of the City of Boston, be and the same hereby is, transferred from the care, custody, management and control of the Department of Neighborhood Development to the care, custody, management and control of the Boston Conservation Commission.

The aforementioned transfer of land is authorized in the name and on behalf of the Commission, upon receipt of written authority from the Mayor.

**NOTE:** Donald Wright addressed the Commission and provided an overview of the project.

**NOTE:** Chair Craven thanked Donald for his presentation. She then asked if there were any questions or comments from the Commissioners.

**NOTE:** Commissioner Mammoli expressed his understanding of the importance of the requested intra-city transfer.

**NOTE:** Chair Craven asked, “Was there every a structure on this parcel?”

**NOTE:** Donald Wright replied, “No, it has always been an Urban Wild.”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved.

**Exhibits:** October 10, 2019, project background memorandum with enclosures and PowerPoint presentation.

**VOTE 2: Joseph Backer, Housing Development Officer, Neighborhood Housing Development Division**

**Tentative Developer Designation and Intent to Sell to New Urban Collaborative LLC:** Vacant land located at 40-50 Warren Street, Roxbury, Massachusetts.

**Purchase Price: \$100**

Ward: 08  
Parcel Number: 02550000  
Square Feet: 8,296  
Future Use: Mixed use  
Estimated Total Development Cost: \$11,536,364

Assessed Value Fiscal Year 2019: \$638,800  
Appraised Value June 10, 2019: \$1,245,000  
DND Program: Neighborhood Housing  
RFP Issuance Date: July 16, 2018

That, having duly advertised a Request for Proposals to develop said property, New Urban Collaborative LLC, a Massachusetts limited liability company, with an address of 183 West Canton Street, Boston, MA 02116, be tentatively designated as developer of the vacant land located at 40-50 Warren Street (Ward: 08, Parcel: 02550000) in the Roxbury District of the City of Boston containing approximately 8,296 square feet of land, for the period of 24 months from the date of the vote subject to such terms, conditions and restrictions as the Director deems appropriate for proper development of this property; and

FURTHER VOTED: Subject to the approval of the Mayor under St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12) that it is the intent of this Commission to sell the aforementioned property to New Urban Collaborative LLC;

AND, FURTHER, VOTED: That the Director be, and hereby is, authorized to advertise the intent of this Commission to sell the above described property in accordance with the provisions of Chapter 642 of the Acts of 1966 and the applicable statutory terms of M.G.L. c.30B, section 16.

**NOTE:** Joseph Backer addressed the Commission and provided an overview of the project.

**NOTE:** Chair Craven thanked Joseph for his presentation. She then stated, “I have two questions and then I’ll ask the Commissioners if they have any questions.” She then asked, “Number one, the appraised value of the parcel is \$1.245 Million, based upon a June 10, 2019 appraisal, and we’re selling it for \$100? The Second question, which is related to the first, is that in the memo Nuestra Comunidad offered \$900,000, but was seeking \$2.8 Million in subsidy from DND, so the \$900,000 was not really [legitimate]? I want to be clear for the record that the other bidder was still at \$100; and then the logic, I’d like you to explain if you could, why selling the parcel valued at \$1.2 Million for \$100, rather than trying to seek the appraised value, is in the City’s best interest.”

**NOTE:** Joseph Backer replied, “The offer by Nuestra Comunidad Development Corporation, of \$900,000, was seen by the evaluation committee as incorrect and as you stated, because they were subsequently going to be requesting subsidy from DND as part of the development of this project. DND past practice, which is informed by HUD guidance, disallows the acceptance of an acquisition fee for public land when that subsidy is being requested. So, despite the difference in the offer amounts in the two proposals the evaluation committee viewed the price, in light of the subsidy requests, of both packages as \$100.”

**NOTE:** Chair Craven asked, “Because they were going to be using City money to pay the City?”

**NOTE:** Joseph Backer replied, “That’s right, yes, and it would essentially cross it out.”

**NOTE:** Chair Craven asked, “The second part of this, what is the logic behind selling this for \$100 as opposed to an open market?”

**NOTE:** Joseph Backer replied, “I believe that that is informed by DND practice. Whenever a project is receiving subsidy to create a public benefit in the form of affordable housing DND accepts an acquisition price of \$100 before, the same reason that we are giving out subsidy.”

**NOTE:** Rick Wilson replied, “The price is really determined by what the City is getting for this project. So, the RFP, the development guidelines, informed by the community process, which was a very long multi-year community process with the Roxbury Project Review Committee and the Roxbury Strategic Master Plan Oversight Committee – it was important to the community, that there be affordable housing on this site and affordable commercial space. You can’t have affordable housing and affordable commercial space, it would not be financially feasible, if DND was asking or demanding the full appraised value of the property. In order to make that work not only are they going to require land subsidy, to provide that affordable housing and affordable commercial space, but they’re going to require additional subsidy from City and State resources on top of that. This was an important public benefit for the City, it’s what the community wanted for this site and DND is happy to support that and give the community what they want here. As you know, this is the mission of the department to create affordable housing, one of the things DND does. So DND, the evaluation committee, and the community felt like it was worth forgoing that revenue to the City in order to get this important public benefit for that neighborhood.”

**NOTE:** Commissioner Mammoli stated, “In reality you actually are getting the revenue because DND is subsidizing the housing development. So, it’s almost doing what the other company did, throw a price out, you’re just not showing it. The City actually is, by subsidizing the development, getting the full market value, for what you’re doing.”

**NOTE:** Rick Wilson replied, “Yes, I think that’s [accurate].”

**NOTE:** Commissioner Irish expressed praise for the thorough presentation and community process done by DND on the project. He then stated, “This project will result in less parking, and I know that parking is an issue. I do think that having more residential opportunities in Dudley would help to revitalize it.” He then asked, “Is there a larger conversation regarding where parking will be available for folks in the Dudley area?”

**NOTE:** Joseph Backer replied, “Yes. So, this parcel was one of four that was released through the PLAN: Dudley request for proposals process and the RFP for this parcel, 40-50 Warren Street, actually specifically stated that no parking was required in the proposals for this parcel because the community had identified one of the other sites, 135 Dudley Street, as a potential site for increased parking. In fact, the proposal that came in for that site, all of the proposals had parking involved there. So, it was seen as an aggregate plan and the RFP for this parcel took that in mind when it said that parking was not a necessary component.”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved.

**Exhibits:** October 11, 2019, project background memorandum and PowerPoint presentation.

**VOTE 3: John Feuerbach, Senior Development Officer, Neighborhood Housing Development Division**

**Amendment to the vote of October 24, 2018 to extend the Tentative Designation and Intent to Sell period from 12 to 17 months to Sell to New Urban Collaborative Limited:** Vacant land located at 108, 110, 112 and 114 Marcella Street, 93-95, 97, 101, 105, 109, 113, 115, 121, 123 and 125-125R Marcella Street, unnumbered Beech Glen Street and unnumbered Thwing Street, Roxbury, Massachusetts.

**Time Extension**

- 1) TD – 10/24/2018 through 10/24/2019 = 12 months
  - 2) TD extension for an additional five (5) months 10/24/2019 through 03/24/2020 = 17 months
- TD total time is 17 months

Ward: 11

Parcel Numbers: 00819000, 00818000, 00817000, 00816000, 00564000, 00565000, 00566000, 00567000, 00568000, 00569000, 00570000, 00571000, 00572000, 00573000, 00511000, and 00537000

Square Feet: 47,013 (total)

Future Use: New Construction – Housing

Estimated Total Development Cost: \$5,245,512

Assessed Value Fiscal Year 2019: \$664,200 (total)

Appraised Value August 16, 2017: \$1,011,000 (total)

DND Program: Neighborhood Housing

RFP Issuance Date: November 13, 2017

That the vote of this Commission at its meeting on October 24, 2018 regarding the tentative designation and intent to sell the vacant land located at:

108 Marcella Street, Ward: 11, Parcel: 00819000, Square Feet: 1,738

110 Marcella Street, Ward: 11, Parcel: 00818000, Square Feet: 1,795

112 Marcella Street, Ward: 11, Parcel: 00817000, Square Feet: 1,852

114 Marcella Street, Ward: 11, Parcel: 00816000, Square Feet: 1,909

93-95 Marcella Street, Ward: 11, Parcel: 00564000, Square Feet: 3,450

97 Marcella Street, Ward: 11, Parcel: 00565000, Square Feet: 2,004

101 Marcella Street, Ward: 11, Parcel: 00566000, Square Feet: 2,132

105 Marcella Street, Ward: 11, Parcel: 00567000, Square Feet: 2,202

109 Marcella Street, Ward: 11, Parcel: 00568000, Square Feet: 2,172

113 Marcella Street, Ward: 11, Parcel: 00569000, Square Feet: 2,101

115 Marcella Street, Ward: 11, Parcel: 00570000, Square Feet: 3,000

121 Marcella Street, Ward: 11, Parcel: 00571000, Square Feet: 3,000

123 Marcella Street, Ward: 11, Parcel: 00572000, Square Feet: 2,746

125-125R Marcella Street, Ward: 11, Parcel: 00573000, Square Feet: 2,804

Unnumbered Beech Glen Street, Ward: 11, Parcel: 00511000, Square Feet: 5,708

Unnumbered Thwing Street, Ward: 11, Parcel: 00537000, Square Feet: 8,400

in the Roxbury District of the City of Boston containing approximately 47,013 total square feet of land, to New Urban Collaborative Limited, a Massachusetts non-profit corporation, with an address of 183 West Canton Street, Suite 4, Boston, MA 02116;

be, and hereby is amended as follows:

By deleting the figure and word: “12 months” and substituting in place thereof the following figure and word: “17 months” wherever such may appear.

**NOTE:** John Feuerbach addressed the Commission and provided an overview of the project.

**NOTE:** Chair Craven asked if there were any questions from the Commissioners.

**NOTE:** Commissioner Mammoli asked, “You feel confident, asking for a five-month extension rather than a twelve-month extension, that this will be wrapped up; and in month six this will be before us for a final [conveyance vote request]?”

**NOTE:** John Feuerbach replied, “Correct.”

**NOTE:** Chair Craven asked, “Why are there no windows on any of the sides?”

**NOTE:** John Feuerbach replied, “The updated elevations will have that.”

**NOTE:** Rick Wilson replied, “That’s one of the items that DND noticed during design review, as well.”

**NOTE:** John Feuerbach replied, “What you will see is an improved building elevation that will outline all of the windows and a better treatment of the site plan with landscaping.”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved.

**Exhibits:** September 24, 2019, project background memorandum with enclosure and PowerPoint presentation.

**VOTE 4: John Feuerbach, Senior Development Officer, Neighborhood Housing Development Division**

**Amendment to the vote of October 24, 2018 to extend the Tentative Designation and Intent to Sell period from 12 to 36 months to Sell to Rees-Larkin Development LLC:** Vacant land located at 273, 275, 277, 279, 281-281A, 283 and 287 Highland Street, Roxbury, Massachusetts.

**Time Extension**

- 1) TD – 10/24/2018 through 10/24/2019 = 12 months
- 2) TD extension for an additional twenty-four (24) months 10/24/2019 through 10/24/2021 = 36 months  
TD total time is 36 months

Ward: 11

Parcel Numbers: 00840000, 00841000, 00842000, 00843000, 00844000, 00845000, and 00846000

Square Feet: 16,354 (total)

Future Use: New Construction – Housing

Estimated Total Development Cost: \$9,183,970

Assessed Value Fiscal Year 2019: \$286,700 (total)

Appraised Value August 16, 2017: \$690,000 (total)

DND Program: Neighborhood Housing

RFP Issuance Date: November 13, 2017

That the vote of this Commission at its meeting on October 24, 2018 regarding the tentative designation and intent to sell the vacant land located at:

273 Highland Street, Ward: 11, Parcel: 00840000, Square Feet: 3,747

275 Highland Street, Ward: 11, Parcel: 00841000, Square Feet: 1,592

277 Highland Street, Ward: 11, Parcel: 00842000, Square Feet: 1,592

279 Highland Street, Ward: 11, Parcel: 00843000, Square Feet: 1,708

281-281A Highland Street, Ward: 11, Parcel: 00844000, Square Feet: 1,629

283 Highland Street, Ward: 11, Parcel: 00845000, Square Feet: 1,640

287 Highland Street, Ward: 11, Parcel: 00846000, Square Feet: 4,446

in the Roxbury District of the City of Boston containing approximately 16,354 total square feet of land, to Rees-Larkin Development LLC, a Massachusetts limited liability company, with an address of 179 Boylston Street, Building P, Boston, MA 02130;

be, and hereby is amended as follows:

By deleting the figure and word: “12 months” and substituting in place thereof the following figure and word: “36 months” wherever such may appear.

**NOTE:** John Feuerbach addressed the Commission and provided an overview of the project.

**NOTE:** Chair Craven thanked John for his presentation. She then asked if there were any questions from the Commissioners. No questions were raised.

**NOTE:** Commissioner Mammoli expressed understanding of the rationale to extend the tentative developer designation period and the importance of securing funding for the project.

**NOTE:** John Feuerbach replied, “This project involves State matching funds, whereas the prior vote was staying within DND itself, and in fact there is no subsidy request with the prior vote, so that enables DND to move a little bit quicker. This project, as well as other rental developments that come through DND, requiring matching State matching funding there will always unfortunately be a delay. What’s unique about this it’s a community supported limited equity cooperative, it involves 23 units of new housing and it has deep affordability. There will be some units at or below 30% some at or below 60% some at or below 80% and then there will be some market rate units. It’s the same green development it’s the same energy positive, so the fact of having green development as well as solar panels, it will be creating more energy than the units will need to consume. Again, that’s in the spirit of the Mayor’s 2050 plan to promote energy positive [development].”

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved.

**Exhibits:** September 24, 2019, project background memorandum with enclosure and PowerPoint presentation.

**VOTE 5: Sheila Dillon, Chief and Director, Department of Neighborhood Development**

**NOTE:** Rick Wilson, Deputy Director of Finance, presented in Sheila Dillon’s absence.

**CERTIFICATE OF AUTHORITY**

By this writing, signed by a majority of its members and filed with the Secretary, the City of Boston Public Facilities Commission, upon written recommendation of the Director of the Department of Neighborhood Development, does hereby vote:

VOTED: “Subject to the approval of the Mayor, that in accordance with the provisions of Section 3(ii)(v) of Chapter 642 of the Acts of 1966, the Public Facilities Commission does hereby authorize and direct the following named individuals, in the name and on behalf of the Commission, to execute and deliver such documents, instruments and certificates as may be deemed necessary or appropriate by such named individuals relating to the Public Facilities Commission’s approved acquisition or conveyance of real property or to the discharge, satisfaction, subordination or termination of instruments of record which have been recorded with the Suffolk County Registry of Deeds or filed for registration with the Suffolk Registry District of the Land Court. Deeds or Orders



of Taking to be recorded with the Suffolk County Registry of Deeds or to be filed for registration with the Suffolk Registry District of the Land Court shall be accompanied by a separate vote of this Commission specifically authorizing such conveyance or acquisition. Said named individuals are further authorized and directed to execute and deliver Loan Agreements and Grant Agreements involving the City of Boston, Department of Neighborhood Development, in the name and on behalf of the Commission as they may deem necessary or appropriate.”

Sheila A. Dillon, Chief and Director  
Department of Neighborhood Development

Marcy J. Ostberg, Director of Operations  
Department of Neighborhood Development

Rick M. Wilson, Director of Administration and Finance  
Department of Neighborhood Development

Robert C. Gehret, Jr., Deputy Director  
Department of Neighborhood Development

Debra Rufo, Controller  
Department of Neighborhood Development

**FURTHER VOTED:** That this authorization is effective immediately and shall remain in effect until such time as it is expressly rescinded, in whole or in part, by a vote of this Commission.

**FURTHER VOTED:** The taking of the foregoing vote and the naming of the above individuals, when approved by the Mayor of Boston, shall serve to expressly rescind that certain Certificate of Authority dated February 13, 2019 recorded on February 22, 2019, with the Suffolk County Registry of Deeds in Book 60773 at Page 128, and filed with the Suffolk Registry District of the Land Court as Document Number 891750.

**NOTE:** Rick Wilson addressed the Commission and provided a brief account of Debra Rufo’s professional experience.

**NOTE:** Chair Craven thanked Rick for his presentation. She then asked if there were any questions from the Commissioners. No questions were raised.

**NOTE:** On a motion duly made and seconded, the vote was unanimously approved.

**Exhibits:** October 4, 2019, correspondence from DND’s Chief and Director to the PFC.

**NOTE:** The October 30, 2019 Public Facilities Commission Meeting is available at the web address of [https://www.cityofboston.gov/cable/video\\_library.asp?id=31381](https://www.cityofboston.gov/cable/video_library.asp?id=31381).

A True Record.

The meeting commenced at 9:44 a.m. and adjourned at 10:08 a.m.

  
Colleen Daley, PFC Secretary