

City of Beverly
Legal Affairs Committee/Committee of the Whole Meeting
Public Meeting Minutes
Monday, February 22, 2021, 7pm

This meeting was conducted under the ‘Executive Order Suspending Certain Provisions of the Open Meeting Law G.L. c.30A, §20’, signed on March 12, 2020. This remote meeting was held over Google Meet. Public access information for the hearings was provided on the meeting agenda.

Scott Houseman, Committee Chair, called the meeting to order at 7:00pm over Google Meet. Houseman took the attendance by roll call.

Legal Affairs Committee Members Present: Dominic Copeland, Kathleen Feldman, and Scott Houseman

Legal Affairs Committee Members Absent: None

Councilors Present: Paul Guanci (7:13pm-7:30pm) and Estelle Rand (7:23pm-8:03pm)

Houseman read a statement about the virtual meeting. He confirmed that all members present could hear him and noted the remote meeting format and process due to Covid-19.

Order #039 Reappointment-Mr. Jonathan Cassidy to serve as Constable

Houseman noted for the benefit of Councilors Copeland and Feldman that all constable appointments go through the mayor and police for approval before they come to the council.

Jonathan Cassidy stated this is his second reappointment, and he has done it for 6 years so far. He said he is a private investigator and does the constable work primarily for attorneys that he works with as a private investigator.

Houseman asked about the process.

Cassidy said he serves things in hand like eviction notices, summons, etc. He helps to locate people to serve the papers by doing research, then may take a photo to confirm it was served. It has been different with the pandemic since people don’t want to open the door, but he can indicate to them that he is a constable, set the documents at the door, and step back for them to open the door.

The councilors had no further questions and thanked Mr. Cassidy for his time.

Order #033 Appointment-Mr. Brendan Sweeney to serve on the Planning Board to fulfill the term of Alison Kilcoyne

Brendan Sweeney started by stating a little about himself and his background. He was from the North Shore originally and born in Beverly. He lived in upstate New York, then his family moved back to Ipswich, where he graduated high school. He attended Gordon College and got his Master’s in Public Administration from Suffolk University. His first position was working for the town manager in Reading, and through that role he got to see the importance of the planning board. Since that time, he has moved to the state level, working for the Baker administration in the Office for Administration and Finance, primarily focused on housing and development issues. Recently, he has assisted with federal funds, focusing on municipalities and working with mayors, town managers, and finance directors during Covid to make sure they have enough funding.

Paul Guanci joined the meeting at 7:13pm.

Sweeney continued, stating he has lived as a renter in downtown Beverly for the last four years. His plan is to fully commit to Beverly. He is in Ward 2 and appreciates living right downtown. There is a lot of room for growth in what was termed in the master plan as the “missing middle” for condos and smaller homes in order to foster a more robust housing stock. On the economic development front, one of the things he wants to look at is how much of a commercial tax base can be brought in to offset the residential tax burden. Especially after Covid, fostering a robust commercial sector allows us not to put the burden of the pandemic completely on residents. He is also interested in providing more opportunities for people to work in the city they live in. From the small business perspective, being able to walk to places downtown is great and he would like to continue fostering that growth.

Feldman asked his thoughts on accessory dwelling units and the variances. She stated it is something she thinks about in one area of North Beverly, her ward, and she is curious to hear his pros and cons.

Sweeney noted two things. On the policy side, one initiative that was signed in by Governor Baker was the Housing Choice Initiative, which allows for just a simple majority vote on those types of zoning changes, as opposed to a two-thirds vote. It is going to be a beneficial way for some of these single-family properties to adopt to become multi-family units. That is something we can and should encourage within reason, but we also don’t want any accessory dwelling unit ordinances that allow loopholes for someone to build a large multi-family dwelling on a single family plot.

Copeland began to ask a question as far as the inventory in Beverly goes.

Estelle Rand joined the meeting at 7:23pm, and Houseman called to order the Committee of the Whole since there was now a quorum of the City Council present.

Copeland continued, asking if there is any data on what those affordable housing numbers would look like and if we know how much we would need to add.

Sweeney stated he was not sure as far as specific numbers go. He noted generally there are state laws (chapter 40B) that communities need to meet 10% of affordable housing stock. Beverly is currently at 12%. The definition of affordable housing is based on 80% of the median income, but there are plenty of people that can’t meet 80% in Beverly. The question is how we promote the development of housing that is affordable, even if not necessarily meeting those state requirements. He stated his overall goal is to help more people be able to live in Beverly.

Copeland noted that it is important to use accurate data to meet the goals. It would be great to see more working professionals and residents be able to go from renters to owners in the city.

Guanci thanked Mr. Sweeney for talking to him earlier and stated that he brings a lot to the table.

Guanci left the meeting at 7:30pm.

Rand said she thinks it’s great that Brendan will be serving on the planning board. It is a good fit and thanked him for the hours of service he will put in.

Houseman said one thing that makes Beverly a special place is the volunteerism of our community and that makes a huge difference in the quality of the city. Houseman noted that the planning board adopted the master plan in December and asked Sweeney if he had a chance to participate or take a look at it.

Sweeney confirmed he did flip through it and was able to participate in the process.

Houseman noted some specifics about the master plan. Right now the city ordinances provide for developers in lieu of having affordable units to make a contribution to the Beverly Affordable Housing Trust Fund and essentially buy their way out of having affordable housing units in their building. Houseman stated his own preference is to see change on that and it would be beneficial to not have what feels like a kind of segregation going on.

Sweeney noted that he is familiar with such arrangements, and since Beverly is over 12% there is more flexibility. At the end of the day, the goal should be to make more affordable housing, whether by state guidelines or in that middle ground. It's worth diving into how the city can leverage that it's a popular place to develop. Sweeney stated he doesn't think we should be taking any tools away but thinks we should try to move away from building luxury units across the board to how do we on a larger scale encourage development that meets the criteria we're looking for. It's important to look at what our community needs and not just numbers.

Houseman clarified he is looking for potentially an ordinance change where a developer cannot opt to have all the affordable housing outside of their building and asked if Mr. Sweeney had any thoughts on any of those mandatory units being in the building.

Sweeney said he thinks it does need to be situational, and he would like to do more research. It is more important to factor in affordability of the entire development, whether through an ordinance or not.

Houseman said affordable housing is a regional issue and it is going to be a very interesting process to see how we can do our part here in Beverly. No matter what we do in Beverly, we can only have a marginal impact on it; we will still have those macro forces in the region and the state that will have an impact. The idea of focusing on workforce housing and not luxury housing is going to be a challenge. Houseman stated he was really impressed with Mr. Sweeney's thoughtfulness and background and appreciates the perspective he is going to bring to the planning board and thanked him for being at the meeting tonight.

Sweeney thanked councilors for the opportunity and consideration and stated it's an exciting time to be involved.

Copeland asked what affordable housing outside of the building looks like.

Houseman explained that basically the city has an affordable housing trust fund, and if a developer meets certain size requirements, the developer can say they don't want the units in their building and instead pay a dollar equivalent into the fund. Then the fund accepts the money which sits there until it's deployed. He gave the example of the Anchor Point development above the high school. They are receiving a certain amount of money from the fund to apply to that development which is made almost entirely of affordable housing units. The Depot 2 development worked with Harborlight Community Partners and made a contribution to a building a block or two away from the development for Harborlight to rehab, which now has six units of affordable housing.

Rand gave a recent example of a development called Sedna by the Beverly-Salem Bridge. Part of the funding from that developer is going towards Anchor Point. She stated it is a tool that can be used but she also agreed that as a city we have leverage now because Beverly is a desirable place to live and perhaps it's time to explore tweaking it.

Sweeney asked if we as a city have the ability in each instance to accept the payment or not, or if it is set and they can do it regardless of input of the city council or planning board.

Houseman said the ordinance was set by council and is followed.

Rand said she thought it required further approval from the planning board.

Houseman agreed, but said it seems the planning board has always accepted what the developer has proposed.

Rand said each part of the city has a neighborhood code or zone and that is related to how much each developer would have to pay in lieu.

Sweeney said he thinks it is important to ensure a public body has some input. As to whether or not we take that tool off the table, it's better to have that tool and then have some discretion.

Houseman clarified he is not supporting taking it off the table all together; what he's really talking about is tweaking or splitting the difference. For example, if a development has to provide six units, maybe they can take four out of the building but have to have two in the building.

Sweeney said he is looking forward to diving in and contributing and has a lot more to learn.

Copeland asked Rand if he could look at the numbers of what others paid into the housing trust. We don't want the automatic buyout to be a guard against equality or for this to be used as a tool to keep certain people out of certain places, like redlining was.

Houseman suggested a conversation with Andrew DeFranza at Harborlight Community Partners. Anchor Point is an exciting development, but it is for a certain socio-demographic population. Having services located in a planned development can be a terrific way to address certain needs, but it's a complex way of looking at it and thinking about what equity means.

Copeland said he would reach out. It starts off good, but over time those places can become the projects and the ghettos, and that's not what we want to happen.

Houseman said that's why he would like some units required in the developments and not all of them outside of the building.

Sweeney said he would also reach out to Mr. DeFranza.

The councilors wrapped up the conversation and thanked Brendan Sweeney for participating in the meeting.

Feldman moved to adjourn the Committee of the Whole. Copeland seconded. A roll call vote was taken, and the motion carried (4-0).

Feldman moved to adjourn the Legal Affairs Committee. Copeland seconded. A roll call vote was taken, and the motion carried (3-0). The meeting adjourned at 8:03pm.