

# DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT

## Minutes

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

August 14, 2019

### **ATTENDING:**

Katherine P. Craven, Chair (Not Present)  
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  
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)  
James McDonough, Senior Staff Attorney, DND (Not Present)  
Rick Wilson, Deputy Director of Finance, DND  
Philip Sweeney, Operations Manager, Administration and Finance, DND (Not Present)  
Donald Wright, Deputy Director, Real Estate Management and Sales, DND  
Jessica Boatright, Deputy Director, Neighborhood Housing Development Division, DND  
William Epperson, Assistant Director, Real Estate Management and Sales, DND  
John Feuerbach, Senior Development Officer, Neighborhood Housing Development Division, DND  
Anne Conway, Housing Development Officer, Neighborhood Housing Development Division, DND  
Bernard Mayo, Project Manager, Real Estate Management and Sales, DND  
Joseph Backer, Housing Development Officer, Neighborhood Housing Development Division, DND  
Neriliz Llenas, Project Manager, Real Estate Management and Sales, DND  
Ryan Lundergan, Housing Development Officer, Neighborhood Housing Development Division, DND

Commissioner Mammoli called the meeting to order.

The minutes from the meeting of July 17, 2019 were presented to and approved by Commissioners Mammoli and Irish.

### **VOTE 1: Bernard Mayo, Project Manager, Real Estate Management and Sales Division**

**Transfer of the care, custody, management and control from the Boston Transportation Department (BTD) to the Department of Neighborhood Development (DND):** Vacant land located at 6 Epping Street, Dorchester, Massachusetts.

**Property Transfer**

Ward: 17  
Parcel Number: 01287000  
Square Feet: 2,663  
Assessed Value Fiscal Year 2019: \$39,100  
Future Subdivided Parcel Square Feet: 1,316  
DND Program: Land Disposition

Subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31A (as appearing in St. 1966, c. 642, § 12), a portion of land located at 6 Epping Street (Ward: 17, Parcel: 01287000) containing approximately 2,663 square feet, in the Dorchester district of the City of Boston, be and the same hereby is, transferred from the care, custody, management and control of the Boston Transportation Department to the care, custody, management and control of the Department of Neighborhood Development.

**NOTE:** Bernard Mayo addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

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

**Exhibits:** July 31, 2019, project background memorandum with enclosures and PowerPoint presentation.

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

**Transfer of the care, custody, management and control from the Boston Transportation Department (BTD) to the Department of Neighborhood Development (DND):** Vacant land located at 40-50 Warren Street, Roxbury, Massachusetts.

**Property Transfer**

Ward: 08  
Parcel Number: 02550000  
Square Feet: 8,296  
Assessed Value Fiscal Year 2019: \$638,800  
Appraised Value June 20, 2019: \$1,245,000  
DND Program: Land Disposition

Subject to the approval of the Mayor under the provisions of St. 1909, c. 486, § 31A (as appearing in St. 1966, c. 642, § 12), vacant land located at 40-50 Warren Street (Ward: 08, Parcel: 02550000) containing approximately 8,296 square feet, in the Roxbury district of the City of Boston, be and the same hereby is, transferred from the care, custody, management and control of the Boston

Transportation Department to the care, custody, management and control of the Department of Neighborhood Development.

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

**NOTE:** Commissioner Irish asked, “Is this parcel currently used as a parking lot?”

**NOTE:** Joseph Backer replied, “That is correct.”

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

**Exhibits:** August 1, 2019, project background memorandum with enclosures and PowerPoint presentation.

**NOTE:** Angela Atchue noted for the record and for clarification purposes that vote number two (2) is simply a property transfer between City departments. Additionally, she noted that DND’s Legal Advisor is aware that any further action with regard to this parcel must be in compliance with all applicable laws, including those governing the surplussing of property appropriately before the City Council, prior to any future vote request to the PFC concerning this property.

**VOTE 3: Neriliz Llenas, Project Manager, Real Estate Management & Sales Division**

**Conveyance to 24WC Property Management, LLC:** Vacant land located at 26 West Cottage Street, Roxbury, Massachusetts.

**Purchase Price: \$35,100**

Ward: 13

Parcel Number: 00003000

Square Feet: 2,000

Future Use: Off Street Parking

Assessed Value Fiscal Year 2019: \$13,800

Appraised Value December 7, 2018: \$32,500

DND Program: REMS – Land Disposition

RFP Issuance Date: February 11, 2019

That having duly advertised its intent to sell to 24WC Property Management, LLC, a Massachusetts limited liability company, with an address of 800 Boylston Street, P.O. Box 990528, Boston, MA 02119, the vacant land located at 26 West Cottage Street (Ward: 13, Parcel: 00003000) in the Roxbury District of the City of Boston containing approximately 2,000 square feet of land, for two consecutive weeks (June 17, 2019 and June 24, 2019) in accordance with the provisions of St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12), the Public Facilities Commission, pursuant to its vote of May 15, 2019 and, subsequent approval by the Mayor, does hereby vote to sell the aforementioned properties to 24WC Property Management, LLC; and

FURTHER VOTED: the Director be, and hereby is, authorized to deliver an instrument conveying said properties to 24WC Property Management, LLC, in consideration of Thirty-Five Thousand One Hundred Dollars (\$35,100).

**NOTE:** Neriliz Llenas addressed the Commission and provided an overview of the project.

**NOTE:** No questions were raised by Commissioners Mammoli or Irish.

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

**Exhibits:** July 23, 2019, project background memorandum with enclosures.

**VOTE 4: Neriliz Llenas, Project Manager, Real Estate Management & Sales Division**

**Conveyance to Claudino B. Correia:** Vacant land located at an unnumbered parcel on Homes Avenue, Dorchester, Massachusetts.

**Purchase Price: \$16,500**

Ward: 15

Parcel Number: 01204001

Square Feet: 1,023

Future Use: Garage

Assessed Value Fiscal Year 2017: \$3,400

Appraised Value September 16, 2018: \$16,500

DND Program: REMS – Land Disposition

RFP Issuance Date: February 11, 2019

That having duly advertised its intent to sell to Claudino B. Correia, an individual, with an address of 18 Longfellow Street, Dorchester, MA 02122, the vacant land located at an unnumbered parcel on Homes Avenue (Ward: 15, Parcel: 01204001) in the Dorchester District of the City of Boston containing approximately 1,023 square feet of land, for two consecutive weeks (June 17, 2019 and June 24, 2019) in accordance with the provisions of St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12), the Public Facilities Commission, pursuant to its vote of May 15, 2019, and subsequent approval by the Mayor, does hereby vote to sell the aforementioned property to Claudino B. Correia; and

FURTHER VOTED: the Director be, and hereby is, authorized to deliver an instrument conveying said property to Claudino B. Correia, in consideration of Sixteen Thousand Five Hundred Dollars (\$16,500).

**NOTE:** Neriliz Llenas addressed the Commission and provided an overview of the project.

**NOTE:** Commissioner Mammoli expressed praise for DND's work to get the property out of the City's inventory and into productive uses.

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

**Exhibits:** July 23, 2019, project background memorandum with enclosures.

**VOTE: 5: Ryan Lundergan, Housing Development Officer, Neighborhood Housing Development Division**

**Rescission of the Tentative Developer Designation vote of December 13, 2017 and Conveyance vote of May 16, 2018 to Oxbow Urban LLC:** Vacant land located at 21, 22, 28, 37 Angell Street and 12 and 14 Lorne Street, Dorchester, Massachusetts.

**Purchase Price: \$600**

Ward: 14

Parcel Numbers: 04224000, 04259000, 04256000, 04229000, 04296000, and 04295000

Square Feet: 33,871 (total)

Future Use: New Construction – Housing

Estimated Total Development Cost: \$3,194,648

Assessed Value Fiscal Year 2017: \$679,500 (total)

Appraised Value February 17, 2017: \$718,000 (total)

DND Program: Middle Income Housing Initiative

RFP Issuance Date: June 26, 2017

That the votes of this Commission at its meetings of December 13, 2017 and May 16, 2018, the latter of which provides as follows:

That having duly advertised its intent to sell to Oxbow Urban LLC, a Massachusetts limited liability company, with an address of 75 Arlington Street, Suite 500, Boston, MA 02116, the vacant land located at:

21 Angell Street, Ward: 14, Parcel: 04224000, Square Feet: 10,000

22 Angell Street, Ward: 14, Parcel: 04259000, Square Feet: 5,398

28 Angell Street, Ward: 14, Parcel: 04256000, Square Feet: 5,420

37 Angell Street, Ward: 14, Parcel: 04229000, Square Feet: 6,625

12 Lorne Street, Ward: 14, Parcel: 04296000, Square Feet: 3,214

14 Lorne Street, Ward: 14, Parcel: 04295000, Square Feet: 3,214

in the Dorchester District of the City of Boston containing approximately 33,871 total square feet of land, for two consecutive weeks (March 5, 2018 and March 12, 2018) in accordance with the provisions of St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12), the Public Facilities Commission, pursuant to its vote of December 13, 2017 and subsequent approval by the Mayor, does hereby vote to sell the aforementioned property to Oxbow Urban LLC; and

FURTHER VOTED: the Director be, and hereby is, authorized to deliver an instrument conveying said property to Oxbow Urban LLC, in consideration of Six Hundred Dollars (\$600);

be, and hereby are, rescinded in their entirety.

**NOTE:** Angela Atchue made the following disclosure for the record: “The rule of necessity is being applied to vote number five (5). In order for the PFC to have a quorum, there needs to be two Commissioners voting, as required under the PFC Enabling Act, known as Chapter 642 of the Acts of 1966. Chair Craven being absent, Commissioner Mammoli and Commissioner Irish are present and voting. Commissioner Irish has disclosed that he maintains a residence at Angell Street in Dorchester. Concerning vote number five (5), Commissioner Irish has had no involvement in the matters noted in the vote request, nor received any requests to vote in a particular fashion. Furthermore, he has not engaged in any discussion or communication with anyone outside of this PFC meeting with regard to this vote request. Finding no conflict of interest, Commissioner Irish may partake in the vote, out of the rule of necessity, and is able to engage in discussion and voting thereon.”

**NOTE:** Ryan Lundergan addressed the Commission and provided an overview of the project.

**NOTE:** Commissioner Irish asked, “Do you have plans to re-advertise and initiate another community process?”

**NOTE:** Ryan Lundergan replied, “DND has been running a parallel path on this in order to pivot quickly. DND has been working with its design unit, in order to better the designs and to put out another Request for Proposals (RFP). DND held a community meeting last night to introduce the preferred developer, and plan to return to the PFC shortly to request a tentative developer designation.”

**NOTE:** Commissioner Mammoli asked, “Are you issuing a new RFP for this site, or are you taking the old RFP and looking at the prior respondents?”

**NOTE:** Ryan Lundergan replied, “DND issued a new RFP that had minor changes to the details to make the project more financially feasible.”

**NOTE:** Angela Atchue noted for the record, “As a housekeeping matter, before DND moves forward with issuing a new RFP, it needs to come before the Commission and make a request for a rescission vote. It is unclear with the Commissioners’ direct questions what the advertisement dates are [for the new RFP]. It is paramount to ensure that there is compliance with M.G.L. c. 30B § 16. This information had not been disclosed to me as legal counsel for the PFC, nor the Commissioners prior to this vote request.” She then asked, “What are the advertisement dates [for the new RFP] that are in compliance with section 16?”

**NOTE:** Ryan Lundergan replied, “I don’t have the dates before me for the new RFP. There had been substantial changes to the project, and I am not the manager of the new RFP. So, I don’t have those dates in front of me.”

**NOTE:** Angela Atchue asked, “Who is the new project manager?”

**NOTE:** Ryan Lundergan replied, “Jon Spillane.”

**NOTE:** Angela Atchue noted the PFC’s requirements for supplementing information with a memorandum to be completed by DND and addressed to the Commission answering the questions raised and evidencing compliance with M.G.L. c.30B, § 16 concerning the new RFP for the sale of the property in question., she noted the Commission’s sole authority to rescind property awards and to authorize the re-advertisement of the property. Lastly, she noted the supplemental memorandum is submitted to the PFC Secretary for delivery to the Commissioners and is reflected in the meeting minutes as it becomes part of record.

**NOTE:** Rick Wilson replied, “I’m happy to do that, Angela, and when DND comes back to the Commission for the tentative designation, following the review of this process and making sure we are in compliance with all applicable law. We will be sure to have all the relevant information showing compliance with c. 30B § 16.”

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

**NOTE:** Ryan Lundergan was asked the aforementioned questions as he presented the rescission vote request. Jonathan Spillane, Housing Development Officer for DND, was not present at the PFC meeting, but was identified by Ryan Lundergan as the manager for the new RFP issued by DND concerning the real property in question. Although Jonathan Spillane was not present at the PFC hearing, he signed and submitted the attached supplemental memorandum in response to the request for the same on behalf of DND.

**NOTE:** DND provided two (2) supplemental memoranda, the first submitted by Johnathan Spillane in response to the question of compliance with M.G.L. c. 30B § 16, and the second submitted by John Feuerbach in response to the question from Commissioner Mammoli as to DND’s consideration of the developer’s (Oxbow Urban LLC) responsibility in evaluating any future proposals that Oxbow Urban, LLC may submit to DND.

**Exhibits:** August 1, 2019, project background memorandum with enclosures. Two (2) supplemental memoranda, dated September 5, 2019.

**Vote 6: Ryan Lundergan, Housing Development Officer, Neighborhood Housing Development Division**

**Rescission of the Tentative Developer Designation vote of November 15, 2017 and Conveyance vote of May 16, 2018 to Oxbow Urban LLC:** Vacant land located at 17 and 19 Helen Street, 115 Wheatland Avenue, 242-244 Norwell Street, Unnumbered Norwell Street and 78 Spencer Street, Dorchester, Massachusetts.

**Purchase Price: \$600**

Wards: 14 and 17

Parcel Numbers: 02219000, 02220000, 00330000, 00345000, 00347000, and 00418000

Square Feet: 22, 046 (total)

Future Use: New Construction – Housing

Estimated Total Development Cost: \$2,348,265

Assessed Value Fiscal Year 2018: \$2,406,300 (total)

Appraised Value April 15, 2017: \$566,000 (total)

DND Program: Middle Income Housing Initiative

RFP Issuance Date: April 18, 2017

That the votes of this Commission at its meetings of November 15, 2017 and May 16, 2018, the latter of which provides as follows:

That having duly advertised its intent to sell to Oxbow Urban LLC, a Massachusetts limited liability company, with an address of 75 Arlington Street, Suite 500, Boston, MA 02116, the vacant land located at:

17 Helen Street, Ward: 14, Parcel: 02219000, Square Feet: 3,770

19 Helen Street, Ward: 14, Parcel: 02220000, Square Feet: 3,765

115 Wheatland Avenue, Ward: 17, Parcel: 00330000, Square Feet: 5,500

242-244 Norwell Street, Ward: 17, Parcel: 00345000, Square Feet: 2,211

Unnumbered Norwell Street, Ward: 17, Parcel: 00347000, Square Feet: 2,188

78 Spencer Street, Ward: 17, Parcel: 00418000, Square Feet: 4,612

in the Dorchester District of the City of Boston containing approximately 22,046 total square feet of land, for two consecutive weeks (March 5, 2018 and March 12, 2018) in accordance with the provisions of St. 1909, c.486, § 31B (as appearing in St. 1966, c.642, § 12), the Public Facilities Commission, pursuant to its vote of November 15, 2017 and subsequent approval by the Mayor, does hereby vote to sell the aforementioned property to Oxbow Urban LLC; and

FURTHER VOTED: the Director be, and hereby is, authorized to deliver an instrument conveying said property to Oxbow Urban LLC, in consideration of Six Hundred Dollars (\$600);



be, and hereby are, rescinded in their entirety.

**NOTE:** Ryan Lundergan addressed the Commission and provided an overview of the project.

**NOTE:** Commissioner Mammoli expressed his concern as to DND's future RFP evaluations and giving weight to the fact that this developer (Oxbow Urban LLC) was unable to deliver on these projects.

**NOTE:** Ryan Lundergan replied, "In previous packages they were able to develop close to twenty homes and had a good track record. DND thought that if given the opportunity, the developer could continue on that successful path. Unfortunately, things didn't work out with this developer."

**NOTE:** Commissioner Mammoli expressed his understanding that issues arise and things don't always go according to plan. He emphasized that in the future this rescission should be considered when evaluating applicants to RFPs.

**NOTE:** Angela Atchue stated, "I note for the record, what I hear coming from Commissioner Mammoli, is compliance with c. 30B § 16. In order for any respondent to be considered eligible there should be minimum qualification requirements. The fact that we're before the Commission with a public record of a disclosure and that the memorandum, which is a public record, indicates that there is a walk away and non-compliance to move forward, that this deems someone in the future, such as Oxbow submitting, to be considered not a responsible proposer, and that is one of the elements of § 16. So that is what I hear the Commissioner asking for, a thorough review and compliance with § 16, for any future recommendations to the Commission that concerns Urban Oxbow and any other proposers." She then noted for the record, "What I'm understanding is that this is also the same situation as vote number five (5), that there is an advertisement in advance."

**NOTE:** Ryan Lundergan replied, "That is correct."

**NOTE:** Angela Atchue stated, "Vote number six (6) must also be accompanied with a memorandum to the PFC Secretary to be delivered to the Commissioners, with a full disclosure as to the advertising requirements for the property that's in question and that such be done in compliance with M.G.L. c. 30B § 16 and any other applicable laws."

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

**NOTE:** Ryan Lundergan was asked the aforementioned questions as he presented the rescission vote request. John Feuerbach, Senior Development Officer for DND, was present at the PFC meeting, but did not provide testimony. Ryan Lundergan identified Jonathan Spillane as the manager for the new RFP issued by DND concerning the real property in question. John Feuerbach signed and submitted the attached supplemental memo in response to the request for the same on behalf of DND.

**NOTE:** DND provided two (2) supplemental memoranda, the first submitted by Johnathan Spillane in response to the question of compliance with M.G.L. c. 30B § 16, and the second submitted by John Feuerbach in response to the question from Commissioner Mammoli as to DND's consideration of the developer's (Oxbow Urban LLC) responsibility in evaluating any future proposals that Oxbow Urban, LLC said developer may submit to DND.

**Exhibits:** August 1, 2019, project background memorandum with enclosures. Two (2) supplemental memoranda, dated September 5, 2019.

**NOTE:** The August 14, 2019 Public Facilities Commission Meeting is available at the web address of [https://www.cityofboston.gov/cable/video\\_library.asp?id=31272](https://www.cityofboston.gov/cable/video_library.asp?id=31272).

A True Record.

The meeting commenced at 9:51 a.m. and adjourned at 10:12 a.m.

  
Colleen Daley, PFC Secretary