

From: Lorraine Iovanni

Sent: Sunday, July 14, 2024 11:16 AM

To: Marc Resnick <ResnickM@manchester.ma.us>

Cc: Gail Hunter <HunterG@manchester.ma.us>; Greg Federspiel <federspielg@manchester.ma.us>

Subject: [EXTERNAL] - Newport Park/1963 Vote to Convey Land/MBTA Zoning

Attn: Dir, Planning and Development

CC: PB and TF (Ms. Hunter, please share. Thank you.)

Hello Marc,

I know that there has been some need for clarification regarding the proposed 3A Overlay involving Newport Park and its locus. It appears a Town Vote in 1963 permitted conveyance of the 3-acre locus for the purpose of "elderly" housing.

As of 4 days ago, the amendment to the law became effective:

Section 3A: Cities, towns and districts; binding effect thereon of recordable instruments of title affecting interests in real estate as to good faith purchasers notwithstanding inconsistency of law therewith

Section 3A. Any recordable instrument purporting to affect an interest in real estate, title to which is held by a city, town, district or regional school district, executed in the name of a town by its selectmen, in the name of a city by its mayor or by its city manager in the case of a city having a Plan D or Plan E charter, or in the name of a district or regional school district by the chairman of its prudential committee or other governing board or by any agent or committee authorized by particular **vote of the city, town or district** or in the case of a municipality acting by or through an industrial development financing authority as provided in section seven of chapter forty D by vote of the board of directors of said authority, **shall be binding on the city, town, district or regional school district in favor of a purchaser or other person relying in good faith on such instrument notwithstanding inconsistent provisions of general or special law, the city or town charter, by-laws, resolutions or votes.**

The MBTA Task Force is of the opinion, I believe, that the Overlay will permit multifamily housing to be built on the locus. Multifamily housing under 3A is not low-income housing as defined by MASS law.

Please clarify the application of this new 3A provision, as it applies to the Housing Authority locus granted for the purpose of "elderly" housing and by past practice since 1963 to be low-income senior residences: Low- or moderate-income senior housing, housing for those persons having reached the age of 60 or over who would qualify for low- or moderate-income housing pursuant to Chapter 44B.

Regards,

Lorraine Iovanni
20 A Pine St

PS: I listened *very carefully* to the meeting on the July 11th MBTA Communications and Outreach. I am pleased that the team will pursue the ACTUAL impact numbers for *propensity of build out*. Voters need the data. Thank you for your efforts in responding to my email on the need for an impact study on this matter. I also recommended an E- survey town wide. I believe that it is in the best interests in terms of outreach to evaluate the level of your efforts on educational outreach and to collect a repository of concerns from citizens, which cannot be found anywhere other than sifting through some written feedback from the Correspondence TAB on the MBTA TF website. Kudos to Tiffany and you on your professional efforts. Thank You.