

## Gail Hunter

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**From:** Lorraine Iovanni <l.iovanni@comcast.net>  
**Sent:** Friday, August 23, 2024 10:03 AM  
**To:** Marc Resnick  
**Cc:** Gail Hunter; Greg Federspiel; Christopher Olney; Ann Harrison  
**Subject:** [EXTERNAL] - Re: Newport Park/1963 Vote to Convey Land/MBTA Zoning  
**Attachments:** Newport Park Conveyance of Land Bk5138 P513.pdf

**Attn: Dir, Planning and Development**  
**CC: PB and MBTA TF (Ms. Hunter, please share. Thank you.)**

Hello Marc,

Have we received an advisory on this matter?

Please **CONFIRM** that the EOHLC has been made aware of this data, as attached.

Regards,

Lorraine Iovanni  
20 A Pine St

On 07/14/2024 11:15 AM EDT Lorraine Iovanni <l.iovanni@comcast.net> wrote:

**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.

& Plan

See Pl. B.101  
Pl.40

The Inhabitants of the Town of Manchester, a municipal corporation duly established by law and located in the County of Essex, Massachusetts, for consideration paid, grants to the Manchester Housing Authority, a public body politic and corporate, created pursuant to General Laws (Ter. Ed.), Chapter 121, Section 26K, and having its principal office in Manchester, Essex County, Massachusetts, with QUITCLAIM COVENANTS a parcel of land containing approximately three acres which is located on the Easterly side of Pine Street in Manchester, Essex County, Massachusetts, and is bounded and described as follows:

Beginning at the northwesterly corner thereof on said Pine Street at remaining land of the Town of Manchester and running thence northeasterly by said land of the Town of Manchester four hundred (400) feet to a point; thence turning and running

Southeasterly by land of the Town of Manchester four hundred forty nine and 51/100 (449.51) feet to a point; thence turning and running

Westerly and southwesterly on a curved line by land of the Town of Manchester on four (4) courses one hundred twenty one and 93/100 (121.93) feet, one hundred seventy six and 44/100 (176.44) feet; ninety five and 39/100 (95.39) feet, and eighty-five and 61/100 (85.61) feet to said Pine Street; thence turning and running

Northwesterly by said Pine Street on two (2) courses one hundred nineteen (119) feet and seventy and 59/100 (70.59) feet to land of Kenneth S. Billings et ux; thence turning and running

Northeasterly by said land of Billings one hundred thirty (130) feet to a point; thence turning and running

Northwesterly by land of said Billings and land of Anthony Grinovich et ux two hundred twenty (220) feet to a point; thence turning and running

Southwesterly by said land of Grinovich one hundred thirty (130) feet to Pine Street; thence turning and running

Northwesterly by said Pine Street eighty (80) feet to the point of beginning.

Reserving to the Inhabitants of the Town of Manchester the right to pass and repass over the "Wood Road" as shown on a plan hereafter mentioned.

The premises are shown on a plan entitled "Plan of Land in Manchester property of The Inhabitants of the Town of Manchester" dated October 5, 1963, Essex Survey Service, Frank C. Hancock, Registered Land Surveyor.

The premises are also conveyed subject to existing rights of way, if any.

This conveyance is made under authority of a vote taken at a Special Town Meeting of the Town of Manchester held on December 2, 1963, under Article III of the Warrant for said meeting, a copy of which is recorded herewith.

There has been full compliance with the provisions of General Laws (Ter. Ed.) Chapter 44, Section 63A.

IN WITNESS WHEREOF the Inhabitants of the Town of Manchester have caused its corporate seal to be hereto annexed and these presents to be signed in its name and behalf by John Cullinane, E. Ray Kelley and Benjamin J. Stasiak, its Board of Selectmen, on this twenty-sixth day of December, 1963.

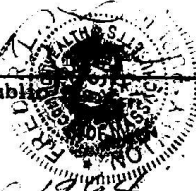
John Cullinane  
Benjamin J. Stasiak  
E. Ray Kelley  
Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

December 26, 1963

Then personally appeared the above named John Cullinane, E. Ray Kelley and Benjamin J. Stasiak, the Board of Selectmen, and acknowledged the foregoing instrument to be the free act and deed of the Inhabitants of the Town of Manchester.

[Signature]  
Notary Public  


My commission expires:

January 10 1964



OFFICE OF THE  
**TOWN CLERK**  
TOWN HALL, MANCHESTER, MASS.

GEORGE C. RICE  
TOWN CLERK

December 30, 1963

ANNA C. BURKE  
ASSISTANT

To Whom it may concern:

I, George C. Rice, Clerk of the Town of Manchester, Massachusetts do hereby certify that the following is a true exact from the records of the Special Town Meeting held in the Town of Manchester on December 2, 1963; a quorum being present, the warrant having been duly posted and the return of the constable duly received:

Article III

It was voted by the Town 88 Yes to 13 No " to convey to the Manchester Housing Authority, at no cost to the Authority, for the construction of Elderly Housing Units , approximately three acres of land located on Pine Street, bounded by the land of Billings, Grinovich, and of the Town of Manchester as shown on plan entitled "Plan of Land in Manchester property of the Inhabitants of the Town of Manchester", dated October 5, 1963, Essex Survey Service, 275 Cabot Street, Beverly, Frank C. Hancock, Registered Engineer, reserving to the Inhabitants of the Town of Manchester the right to pass and reposs over the "Wood Road" as shown on said plan."

This article was voted as recommended by the Selectmen, Planning Board and Finance Committee.

Witness my hand and the seal of the Town of Manchester, Massachusetts this 30th day of December, 1963.

*George C. Rice*  
Town Clerk

A True Copy Attests

*George C. Rice*  
Town Clerk

Essex ss. Recorded Dec. 27, 1963. 13 m. past 9 A. M. #30