

**TOWN OF HAMILTON  
ALL BOARDS MEETING  
MAY 25, 2016**

An All Boards meeting was held on May 25, 2016 at 6:30 p.m. at the Miles River Middle School hosted by the Planning Board and Affordable Housing Trust. Planning Board Chair Jeff Melick, Affordable Housing Trust Chair Fred Mills, and Director of Planning and Inspections Patrick Reffett presided at the meeting.

**Call to order**

Jeff Melick called the All Boards meeting at 6:30 p.m. He summarized the process for the meeting on the Chapter 40B project proposed for Longmeadow Way.

**Explanation of Chapter 40B projects**

Director of Planning and Inspections Patrick Reffett offered to email anyone interested a copy of the presentation from the meeting held in April with a representative from the Department of Communities and Development.

Reffett described how in 1969 the state recognized that the Commonwealth particularly in the eastern part of the state had untenable housing costs. Based on that the state has required each community to provide 10% of its housing stock as affordable. It allows Chapter 40B developers to override local zoning requirements (i.e., setbacks, height and density). They are allowed to put multiple units on a property that would typically be allowed to have one unit. The areas of state law that Chapter 40B does not supersede include Title 5, state wetlands law, as well as building code.

In 2010, there was a statewide ballot initiative asking voters whether or not the Commonwealth should continue to require Chapter 40B projects and allow Chapter 40B law. An overwhelming margin of people voted yes. Aspects of an affordable unit relative to state law include it has to be part of a subsidized development, 25% of the units have to be income restricted to families with 80% or less of the area median income, restricted rents or housing values (if purchased property), deed restrictions have to imposed: for 30 years with an ownership property, 15 years for a rental property. Developments are subject to regulatory agreement and are monitored by state, funding agency, and municipality. Owners and occupants of the properties have to meet affirmative marketing requirements (i.e., lottery for individuals to pursue affordable units). Chapter 40B law also specifies that developers can only make up to 20% profit on the project and 10% for rentals.

A friendly Chapter 40B is where the developer voluntarily works with the community, boards, and local staff in a constructive interchange (i.e., design standards). With an unfriendly Chapter 40B project the municipality and state are notified that such a project is being proposed for a community on a particular property and this comes formally to the Zoning Board of Appeals. The ZBA is the permitting granting authority that works with Chapter 40B developers and solicits input from other boards on what is important to the Conservation Commission, Planning Board and Board of Health.

The project eligibility letter is the formal notice that goes to the state that starts the 180-day Chapter 40B project process. This timeframe can change depending upon when an application is complete. When there is a difference of opinion associated with a traffic engineering study, sideline study, landscape design, the Chapter 40B developer revisits for these appropriate reasons and this restarts the clock on the project.

Safe harbor provisions result when a municipality has created a certain number of units based on the requirements in 10% affordable housing. Hamilton would have to provide 14 affordable units a year and the Town has not done that to date. The Town currently has 3% affordable housing. Other provisions of safe harbor include annual land area, minimum area where 3% of 1% of the Town area being developed as Chapter 40B if this occurs in one year then no affordable housing development has to occur for a year. This has not happened in Hamilton.

The developer in the Longmeadow Way project, Harborlight Community Partners, notified the Town three weeks ago that it is looking to extend the submission for the project eligibility letter up to a three month period.

When there are frictions between a Chapter 40B developer and the local community the appeal by an applicant goes to the Housing Appeals Committee (HAC). If there is a difference of opinion where the Town and developer cannot reach resolution there are other appeals (i.e., Superior Court or Land Court).

There is a policy that the Planning Board enacted in 2004 relative to the Town having voluntary discussions with a Chapter 40B applicant. The Planning Board has no legal authority on this issue as does the ZBA and some of the other Town boards. The Planning Board wants to work with the applicant and other Town boards to encourage the Chapter 40B project to be the best it can be for Hamilton.

In response to Nancy Baker, 76 Goodhue Street, Reffett explained that the eligibility letter from the developer is expected to be submitted to the Town and the state later in

July. In response to Robert Preston, 297 Sagamore Street, Reffett described how if a community is not working toward affordable housing required percentages then that community is vulnerable to a Chapter 40B challenge where a developer can notify Hamilton about a project proposed for a certain property in Town.

#### MAPC

Ralph Willmer, Metropolitan Area Planning Council, explained how three years ago MAPC created a housing production plan for the Town which provides a roadmap including for affordable housing. He provided a summary based on 2013 data including demographic information such as the Town has nearly 8,200 residents with population projections up to 2030. The age groups where Hamilton is likely to see the most increase in the next few years is over 65 which is seen in Mass. and the country. A shift from younger to older age groups by 2020. In Hamilton 19% of households have no family (a person 65 and older living alone), and 81% have families.

Other information provided included: household size is decreasing over time with spouses passing away and families having fewer children. The median Hamilton household income is \$108,558 (age group 43 to 65 years old). The highest percentage of households with income of \$20,000 or less is head of household under 25 or 65 and older. This percentage assists where housing needs are relative to affordability. The predominant housing stock in Hamilton is a detached single family house that is owner occupied (81%). There is 267 of attached units with rental population bearing the highest cost burden for housing. It was reiterated that 3% of 2,700 housing units in Town are affordable. Of the communities on the North Shore only Beverly and Salem have met the 10% affordable housing requirement. In the last five years Hamilton has only permitted a dozen affordable units. It was noted that accessory apartments, usually attached to single family houses, could be counted as affordable housing as well as mixed use alternative to try and reach the 10% affordable housing goal.

In response to Richard Boroff, Moynihan Road, Willmer explained that income is based on all sources reported to the IRS. Willmer responded to Marc Johnson, Patton Drive, that over 70% of residents over 65 earn less than the median annual income for Hamilton of \$108,000 as do 25% of people under 25 to 44 years old, and 15% of residents 45 to 64 years old. Discussion ensued with Allison Jenkins, Plum Street, relative to residents under 25 years old being primarily the Gordon College Theological Seminary population as head of households (9.9% of attached housing in Town). In response to Rachel Brown, Willmer stated that the Town decides who is eligible for affordable housing based on income in a deed restricted unit.

## Harborlight

Andrew DeFranza, Harborlight Community Partners, summarized how the Beverly non-profit is affiliated with the First Baptist Church on Cabot Street relative to housing projects including: Turtle Woods, Turtle Creek, Harborlight House, and Firehouse Place (in Hamilton). Harborlight works in Marblehead, Wenham, Ipswich, Rockport, Gloucester, Peabody, etc. to manage affordable housing. The types of affordable housing vary from single family house to 110 units with the majority being senior housing.

The goals for projects in Hamilton include create housing for people with limited means, and help the Town meet housing need in its Housing Production Plan. The non-profit works on housing development in Massachusetts north of Boston. The Longmeadow Way project has three parcels: #1 with four acres, #3 with five acres, and #5 with 11 acres with back five acres that are wet. Harborlight has option to buy the first four acres, and a purchase and sale agreement to buy the back 16 acres.

Harborlight wants to keep all of the Longmeadow Way housing underneath 35', the height limit for a single family house, keep all on the lot lines required by right, and stay out of the wetland buffer. Parameters are for half family housing, and half senior housing were brought to the developer's architect. The proposed family housing would have little house, barn look and larger estate house. The elderly housing would be involved in one building to allow for service work.

The first proposal was for the first four acres with up to 27 apartments in four, three unit structures. Once more property was considered the total number of units rose to 108 units: 48 for family in the smaller buildings and 60 for seniors in the one building. All units would be rental and count on the Town's subsidized housing inventory and all under 60% median income limit (i.e., 4-person household \$59,000/yr., single \$41,000) driven by the financing (for Chapter 40B this number would be 80%). There would be three or four phases after the permitting process with units built over time and multiple financing processes with the state.

In response to questions, DeFranza described how local preference would be an opportunity for people living or working in Town to get preference on a waiting list (70% or 7 out of 10). Local preference would come as part of the permit with ZBA, and part of housing funding likely through CPA.

DeFranza responded to Jenkins, 75 Plum Street, that there is only an income versus asset test relative to income level eligibility. Also, in response to question from Reffett, DeFranza stated that models with Senior Care staff have been created to allow people to age in place as well as provide activities and transportation. In the middle core of senior housing there would be space allocated for meeting room and kitchenette, office space for property manager and service coordinator and smaller meeting spaces.

In response to Rosemary Kennedy, Rust Street, DeFranza stated that if state funding or permitting is used a fair marketing plan involves a lottery. People that are income eligible apply to the process but the state does not select participants. Within the lottery system the Town is allowed to require up to 70% local preference bound by the comprehensive permit and/or a funding agreement with the CPC. The state does not manipulate the list of participants. In the scenario being considered for Longmeadow Way, some of the units are going to be age restricted (55, 62 or 65 years old and older), which would apply and the state cannot change this parameter.

Marybeth Lawton, Council on Aging Director for Hamilton, noted that 2,000 people in Town are 65 years old and older and inquired why the proposed housing could not be all for seniors, and if only a portion of the proposed housing could it be built first. DeFranza explained that in Wenham 60 units of elderly housing was approved but this is in the appeal process. He noted that this is the last elderly-only project that Harborlight will try to do since state approval is needed to file a project eligibility letter relative to comprehensive permit and state is interested in family housing that was done recently in a community. A mixed age plan supports one another in a project. DeFranza stated that the state would be concerned if the family housing would get done if the senior housing was done first and politically it is less likely the state would support this approach.

Also noted was income cap of \$41,000 for a senior and how rental number would be lower than that, and that many residents in Harborlight projects are at the 30% level of income and rental vouchers are used corresponding to a renter's income level. This could be done as a subset in fourth phase of proposed project. Also noted is that heat, hot water and utilities are usually paid for in senior housing units.

In response to Tom Myers, Conservation Commission member, DeFranza clarified that the proposed project would be entirely outside of the buffer zone and no disturbance in jurisdictional areas. IRWA provides advice to Harborlight on protection and native species plantings. Any proposed buildings would be located close to buffer zones but consideration will be given to public safety vehicle access.

DeFranza answered a question from Jay Butler, Old Cart Road and CPC vice chair, stating that the Town's participation with any CPA funds used for the project would assist with elderly housing and local preference relative to the negotiation with the state.

DeFranza responded to Jeff Hubbard, 85 Miles River Road, that if the permitting went well and CPA funding were used (i.e., 10% is the baseline), a significant percentage of the units would be restricted to local preference (i.e., request could go to ZBA for 70% local preference) if this is a blended senior/family deal. DeFranza answered Jenkins, 76 Plum Street that Housing Production Plan would provide the data to determine if there are enough Hamilton residents to meet 70% especially seniors, and GCTS residents would be eligible as well as any families who live in Town or work for Hamilton or the HWRSD.

Nancy Baker, 76 Goodhue Street, inquired about parking spaces and number of bedrooms. DeFranza suggested likelihood of parking spaces: two for a family unit (i.e., 96), and 1.2 for senior unit (i.e., 72) this would involve discussion on impervious surface with environmental boards. The number of bedrooms for senior units is usually one, and for family units – two to three. DeFranza explained that there would be one septic system per each housing phase. Septic Design Engineer Chuck Johnson does designs for Harborlight and usually uses bio-filter technology.

DeFranza described how three alternative sites have been considered for affordable housing in Hamilton, although only conceptual drawings have been done thus far. The wetlands will be flagged and perc testing done by the end of the three month period at Longmeadow Way. Also noted in conversation with Virginia Cookson, Forest Street, was how a wetland scientist will be used for wetland delineation and to determine if there is an intermittent stream (100' no disturb zone) or perennial stream (200' no disturb zone to riverfront).

In response to Marc Johnson, 6 Patton Drive, DeFranza explained how the local preference would continue to apply for local residents and workers in first phase in lottery. The local preference continues as new eligible residents and workers come to Town but lottery deadline applies and it is administered first come, first serve.

In response to Tracey Hutchinson, Wenham resident, DeFranza stated challenge to control site due to easements and number of units including 27 family units in the original plan and impact to number of children in HWRSD. Also, that Wenham

residents who are employees of Town of Hamilton or HWRSD would be eligible for the family units.

In response to Russ Tanner, 100 Ortins Road, DeFranza acknowledged that the number of units make the acquisition costs work. DeFranza replied to David Wanger, Boardman Lane, that the units would not be tax exempt, real estate taxes would be valued on operating income and assessment. Also, the state health code enforced by the Board of Health would determine the number of people allowed in a unit and bedroom size. DeFranza noted that real time analysis of family units illustrates that two school aged children is typical per unit so 60 to 100 children could be expected for a similar size project.

DeFranza replied to Jeff Hopkins, Hamilton Avenue, that there is no way to predict the spread in ages of school children, and there is typically a broad spread of school aged children. Harborlight has not met with the HW School Committee on the Longmeadow Way project but early conversation has occurred with Superintendent of Schools. In response to John Serafini, Bay Road, DeFranza explained that vehicle access would be on Longmeadow Way which would be paved to 24' wide, two-lane, and Harborlight is not buying a house on Ortins Way. A peer reviewer and traffic engineer will work with the developer on how to handle Longmeadow Way where there is more than a 24' right of way.

DeFranza also addressed traffic as the most challenging aspect of the parcel especially in consideration of the middle school/high school campus traffic. He noted that shuttle service would likely be used for the senior population. Also, that a traffic engineer will make a recommendation for family commuting.

In regard to Harborlight's consideration of future sites, the developer has reviewed a variety of other parcels some out of the downtown area that are larger with wetland challenges that would have to be managed, and downtown parcels that are smaller and scale issue is tricky. Harborlight potentially breaks up the volume of units per site with family housing in one place and senior housing in another place.

DeFranza spoke to how there is no clock now regarding submission on the Longmeadow Way project eligibility letter to the state. Once a permit application is filed with the Town there are 180 days for project process. Also noted was if family units could be shown in Town on another site, this could shorten the timeframe for senior housing to be created on Longmeadow Way. The ability to create senior enhancements in a building is directly related to senior volume in a building.

In response to Conway Feldman, 719 Bay Road, DeFranza explained that typically when two towns work on an affordable housing project together this is done when land is located on each town's border.

Some members of the Town boards: Selectmen, ZBA, Planning Board, and Conservation Commission were in attendance but there was concurrence that the project is in preliminary stage so there was no conversation. The HW School Committee was invited to attend but was not prepared to come but any questions regarding HWRSD and the proposed project will be addressed.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_  
Clerk