

**HAMILTON BOARD OF HEALTH**  
**TUESDAY, MAY 7, 2013**

**Present:** Board of Health members Lindle Willnow, Susan Wilfahrt and Karen Zagorski, Health Agent Leslie Whelan and Selectman Scott Maddern

**Meeting Opened:** Lindle Willnow called the meeting to order at 7:00 p.m. at Hamilton Town Hall

**Discussion – Potential Purchase of (Pirie Property) 641 & 643 Bay Road**  
**Presentation from Pirie Property Sub-Committee**

Scott Maddern summarized how a working group that he serves on had been organized by the Board of Selectmen to analyze Town's right of first refusal (ROFR) regarding the Pirie property. The working group had recommended the Selectmen continue to move forward with the Town's investigation of ROFR on the Pirie property located at 641 and 643 Bay Road. He explained that there will be a need for Board of Health involvement regarding soil testing at the site but this would be done in consideration of the Pirie family.

He noted that the goal for the working group is to interact with Town boards before the public hearing on May 16 to assess if any of the Town boards think there is any reason the Town should stop moving forward acting on its ROFR. Also, that Town boards would make a short statement regarding their impression about Hamilton acting on the ROFR at hearing.

Maddern outlined how there is a lot of information on the matter to educate the public and there is no firm plan or RFP with bids to act on. He noted that there is a plan on file from the developer that currently has the property under agreement. Maddern mentioned that the residents will determine if the Town acting on the ROFR is best for Hamilton to achieve its housing, open space and recreation goals.

He highlighted details on presentation slides including goals and alignment with Master, Housing (i.e., cluster development of senior and affordable) and Recreation plans. Also, how the Selectmen are trying to identify revenue generation ideas, reduce property taxes, maintain open space and meet recreation needs.

Maddern summarized how the Pirie property is under agreement and the use will change from a horse farm to subdivision with three or more houses added to the three existing houses currently at the site, and it is bordered by Hamilton cemetery, Miles River and Bay Road.

He said the working group as part of the Town's ROFR is analyzing alternative uses for the site that maximize housing, revenue and accessible open space. There would be no change in the zoning to accommodate consideration of clustered affordable housing, and permanent conservation land with accessibility to recreation trails. He noted that RFP would include a playing field in the forward part of the property toward Bay Road and provide a better alternative for a field than at the Patton property.

Maddern explained that discussion on development has focused on two seven acre portions of total 87 acres. If the Town Meeting votes to purchase the property, one to two acres of land would be used to expand the existing Town cemetery. This could provide a secondary mechanism for loop roads to connect to the private way.

Dave Hanlon, interim DPW director, stopped by and introduced himself to the Board of Health but did not attend the meeting.

Maddern described meetings with potential developers who are highly interested in cluster/cottage housing and that once Town receives Town Meeting approval a detailed RFP would be created. He added that there are existing equestrian trails and that the Town is looking for access for pedestrians as well.

He noted that there is a tight timeline associated with acting on ROFR and shared septic system would be needed at the site relative to the cottage style development. Discussion ensued about Selectmen Chair Marc Johnson and Town Manager Michael Lombardo's interest in an educational presentation at upcoming Selectmen's meeting on need for proposed shared septic system at the site relative to cluster development.

Discussion ensued about if the Pirie property were purchased by the existing developer who has an agreed upon purchase and sale with the Piries, then revenue would be expected in FY15. The alternative is if the Town purchased the property, an RFP process would be undertaken to specify Town's desired housing options and property sold to a developer who would create needed housing options and the Town would realize revenue after the site is sold and

construction is complete with residents living in cluster housing. He added that a large percentage of the property would be put under a Conservation Restriction since there are tax advantages. The property would be sold by the Town in total to the developer. Also, if recreation fields were on the property the Town would lease the land from the owners' association and Hamilton would be responsible for maintaining them. He said there is no interest in Town being a property owner or manager with the exception of access and leasing out of horse barn that could yield \$25,000 annually in revenue.

Karen Zagorski joined the meeting at 7:25 p.m. Lindle Willnow noted that the Board of Health's concern would be with the proposed septic system. He mentioned the concern with a community system opposed to private septic. He added that the Canterbrook proposed development for 44 senior housing units was under the 10,000 gallon per day limit relative to Title 5. A higher daily flow for septic system associated with cluster development at the Pirie property would require DEP permitting approval and less approval from Board of Health.

Maddern addressed access to the property and explained that in the next few weeks there would be a site visit for soil testing. Discussion ensued about how this action would require Conservation Commission oversight potentially more than the Board of Health. Willnow said the soil testing would be driven by where the houses would be located and siting leach field away from the Miles River and the wetland. Discussion addressed varying land intensive septic treatment (i.e., greenhouse at New England Biolabs).

Maddern mentioned that there are existing fields on the Pirie site and analysis is underway on best location for playing fields, cluster housing and retention of open space. Discussion ensued about whether or not playing fields could be located on septic system leach field. Discussion addressed how Fairview field behind the HW public library has piping for irrigation that is not used. Maddern noted that the Town has overused recreation fields and could use more playing fields. He added that the joint Recreation Board is an advocate of the playing field proposal at the Pirie site. Discussion ensued about how recreation fields at the Pirie property would be central in Town versus at the Patton property.

Maddern mentioned he is the Board of Health liaison for the Selectmen. He notified the Board about local residents who are concerned about the ROFR including abutters that are concerned about impact of cluster development consideration on their properties.

He noted that the Town is analyzing a concept rather than definite plan for the Town's potential use of the Pirie site and that the Finance and Advisory Committee is supportive of the proposed plan and working group that has members who are familiar with Master Plan, Recreation Master Plan and Housing Production Plan. He explained that a Board of Health member would be asked to attend public hearing on the Pirie ROFR to express the Board's opinion about the ROFR. He reiterated that there are residents concerned about the risk associated with the Town taking on another property besides the Patton property, and the abutters are threatening legal action.

Maddern described the two steps that the Town has to take regarding this matter including a Special Town Meeting vote in June where voters decide whether or not Hamilton should acquire the property and if the Town does buy the Pirie site then action has to be taken for Hamilton to sell the property (i.e., RFP process). Maddern said the Town has to notify Mrs. Pirie if Hamilton is going to exercise ROFR by end of June. If the Town votes to move forward it has to process a purchase and sale agreement within 90 days that matches the existing \$3.9 million offer so as to not delay the Piries' sale of their property.

Discussion ensued about the permanent conservation area on the land in the back of the property where it slopes down towards the Miles River and that this area is not being considered for cluster housing development. Maddern described how the existing Sears Roebuck home would be classified as Chapter 40B or lower cost housing and eight units of low cost housing would be developed elsewhere on the site (i.e., condominiums in the main house similar to the Boulders in Wenham). He added that the proposal is for age-targeted housing versus age-restricted that deals with price that guides development. Discussion ensued about how main house would likely not stay as it is today.

Maddern said the Selectmen voted to advance this ROFR process and to get the townspeople's vote on this ROFR. Willnow reiterated that the Town's proposed development would require a community based septic system perhaps per cluster. Discussion ensued about how Town created Master Plan to guide development in Town. Also addressed was how the Town's intervention is probably needed to create cluster housing in Hamilton rather than waiting for a developer to do it alone. Also discussed was concern about how the septic system at the HW Regional High School has been rebuilt a few times and paid for by the Town.

Willnow emphasized that the RFP should detail how the maintenance of the septic system would be the property owners or housing association responsibility. Health Agent Leslie Whelan said in Title 5 if there is a communal septic system there are certain documents that have to be in place and the housing association would be responsible for maintaining the system or doing any replacement. Willnow thought a certified operator (i.e., contractor) would be required as part of Title 5 regulations.

Maddern said the Town has to see if Hamilton Town Meeting voters would approve purchasing the property and reiterated that there is a group of vocal abutters who are expressing concerns. Discussion ensued about the net economic benefit relative to risk involved with Town acting on ROFR. Maddern said the existing developer's plan or if the Town took on the property could yield \$200,000 or more in property tax revenue annually. He said the Town officials are analyzing a 10-year view and potential for real estate revenue realized by Hamilton that could be equal to two Hamilton shopping plazas a year. Discussion ensued about the opportunity the ROFR could bring to the Town regarding senior and affordable housing.

In response to Whelan, Maddern explained that in the next few weeks the Town would get access to the property and perform the soil test. Whelan explained that the Board of Health witnesses the soil test but does not perform it so the Town Manager Michael Lombardo would hire someone to do the soil test. Willnow reiterated that working with ConCom would be the first step to delineating wetland line relative to soil test. Discussion ensued about how the cluster development proposal is located away from unbuildable land. Maddern noted that discussions with developers have resulted in them saying that the proposal for the Pirie site is highly marketable. He added that Selectman Marc Johnson has developed conceptual drawings of what cluster housing could look like based on information provided by potential developers.

Whelan reiterated that her job is to witness the soil test based on regulations, and to see if a proposed septic system plan meets Title 5 requirements. Willnow noted that the health agent would look for soil horizon and depth to groundwater. He reiterated that the expected size of communal septic systems could require DEP permit approval.

Discussion ensued about how Willnow could prepare a statement from Board of Health for Zagorski to read at the public hearing on May 16 at 7 p.m. at the Winthrop School since she is the only Board member that can attend. The Board

will provide him input on the statement. Also discussed was that the Special Town Meeting would likely be held on June 3 at the High School. Maddern left the meeting. Susan Wilfahrt disclosed her connection with the Pirie family. Discussion addressed how Board of Health would not have a quorum on May 16 to conduct its regular meeting so it rescheduled to Thursday, May 23 at 7 p.m.

Discussion returned to ROFR for Pirie property and treatment required in a communal septic system and preliminary soil testing to confirm 50 units could be located at site. Also addressed was Board of Health role to witness soil test if the system is larger than 10,000 gallons a day and permitting to be done by DEP. Whelan had never reviewed a septic system plan for more than 10,000 gallons a day. Willnow said requirements would be more stringent than a private system and effluent would be tested. Whelan said Board of Health receives periodic septic system maintenance reports from HWRHS and system meets parameters.

### **Other Business**

Discussion ensued about beaver/flooding concerns in Asbury Grove that would be addressed at the Board's next meeting. Willnow observed after visiting the Grove that perhaps beaver deceivers had been installed increasing water flow.

Discussion ensued with Whelan about how 10 hours a week for her position is inadequate to accomplish the requirements of the job especially with new responsibilities such as Mosquito Control and hiring a public health nurse. She thought the health agent position that reports to Town manager realistically takes 20 to 30 hours a week to perform. Whelan noted that the position is stressful due to the expectations and what can be done in 10 hours a week. Discussion addressed approaching Town Manager Michael Lombardo to increase the hours for the position by two hours a week and that the Board will make a decision about how to move forward based on his response.

### **Meeting Adjourned:**

Willnow moved at 8:35 p.m. to adjourn. Zagorski seconded motion. VOTE: Unanimous. The Board's next meeting is on Thursday, May 23 at 7 p.m.

### **ATTEST:**

cc: Selectmen, Planning Board, Town Clerk, Conservation