

MINUTES  
Hamilton Affordable Housing Trust  
April 20, 2016

Members present: Fred Mills, Chair, Marc Johnson, Dave Carey, and Peter Britton.

Town Officials and staff present: Allison Jenkins, Selectman, Scott Maddern, Selectman, Shawn Farrell, Selectman, Bill Wilson, Selectman, Patrick Reffett, Director of Planning and Inspections, Joseph Hughes, Chair, Hamilton Housing Authority, and Dorr Fox, Community Projects Coordinator.

Members of the public present: Don Preston, Carol Schrock, Jerry Schrock, Kate Walker, John Kielty, Bill Shields, Conway Felton, Sallie Felton, Karen Bursaw, Richard Bursaw, John Scott, Marjorie Gajeski, Simon Fersan, Russ Tanzer, Kevin Bottomly, Eric Sabo, Bill Andrade, Martha Garfield, Carol Curry, Bob Curry, Jeane Towne, Peter Clark, Gretel Clark, Susan Lawrence and a few others who came in after the commencement of the meeting.

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Dave Carey moved to convene the meeting at 6:00 pm. Marc Johnson seconded the motion and with the approval of the members, the meeting was convened.

MINUTES

Marc Johnson made a motion to approve the minutes of the March 16, 2016 meeting, with amendments. Dave Carey seconded the motion and it was unanimously approved. The amendments included that the Affordable Housing Trust does not need to obtain Board of Selectmen approval, except in cases where there is an acquisition of land. The other amendment was to include a reference to the state statute.

UPDATE ON HABITAT FOR HUMANITY PROJECT

Donald Preston, Executive Director of Habitat for Humanity NorthShore, gave an update on the 270 Asbury Street project. He explained that Habitat for Humanity has negotiated an extension on the purchase and sale agreement and as a result have agreed to pay for four months of property taxes. The taxes are \$1275 per month for a total of \$5100.

He informed the members that he has submitted a comprehensive permit application for the project to the Zoning Board of Appeals. He noted that the project would have a local preference for people living or working in Hamilton. Mr. Carey inquired whether they were looking for volunteers to construct the buildings. Mr. Preston stated that everybody is welcome to join them.

Mr. Preston requested an additional \$5100 in funding from the Affordable Housing Trust to pay for the four months of taxes. Mr. Johnson stated that he does not want to grant them more than the already approved \$250,000. However, he would agree to release \$5100 early so that they could pay the taxes. Mr. Carey stated that he

believes that \$125,000 is already a high amount to fund an affordable unit, so he is reluctant to commit additional funds. Mr. Johnson moved to release \$5100 from the \$250,000 that has already been approved. Mr. Carey seconded the motion and it was unanimously approved.

#### HAMILTON HOUSING AUTHORITY UPDATE

Joseph Hughes, Chair of the Hamilton Housing Authority, gave an update on the Housing Authority. He noted that the ramps for the Railroad Avenue buildings have been completed. He stated that they will put the Union Street roof project out to bid. They are hopeful that the project will be under construction this summer.

He explained that the Housing Authority is not at a point where they can create new units. However, they have begun a discussion with the state Department of Housing and Community Development regarding this issue. Currently they have 47 units. In addition, they have 20 congregate care units, which are communal units for handicapped individuals.

#### ANNUAL TOWN MEETING

Fred Mills reported that Town Meeting approved the application of the Affordable Housing Trust for \$250,000. He noted that the Trust should discuss potential projects. Mr. Johnson stated his preference to focus on the Habitat for Humanity project. He noted that the funds cannot be used for the Miles River Village Project. Bill Shields also noted that Town Meeting had restricted the funds so that they could not be used for the Miles River Village project. He also noted that when the original request was made, the Trust's minutes imply that the funds could be used for that project. Mr. Mills stated that questions pertaining to Miles River Village will be answered during that section of the meeting.

The committee had a discussion on Community Preservation Act funds and reserves. Dorr Fox explained that all of the existing Hamilton CPA funds reserved for affordable housing have been given to the Affordable Housing Trust with the \$250,000 grant.

#### REVIEW OF 40B MEETING

Mr. Mills reported that he believes that the meeting on Chapter 40B MGL held at the Hamilton-Wenham Library was a productive and informative meeting. Mr. Carey explained the difference between a "friendly" and a "regular" 40B project. While there is no distinction in the statute, he noted that a "friendly 40B project" was one where the Town negotiated and worked with the applicant to create a better project. The other option is to fight the project and not negotiate to make it better. Mr. Johnson discussed the history of affordable housing in the town. He stated that the meeting at the Library was set up by Scott Maddern to educate the town residents.

Alison Jenkins noted that not all of the existing affordable housing in the Town counts toward the state's ten percent affordable housing goal. She inquired whether the Town can focus on using this existing housing stock to increase the official percentage of affordable housing in the town. Mr. Carey stated that this housing would need to be deed restricted to maintain them as affordable units. In addition, they would need to be marketed affirmatively. Mr. Johnson stated that without these requirements the Attorney General has stated that they cannot be counted toward the ten percent. Ms. Jenkins inquired whether the Town can obtain these restrictions. Mr. Carey stated that many of the housing units are owned by religious organizations that do not want to market the units affirmatively.

Mr. Carey explained that Chapter 40B strongly favors the developers of the projects. He explained that communities need to work with the developers. In general, non-profits work well with Towns.

Kate Walker stated that developers can propose a 40B project when a town does not have ten percent of its housing stock as affordable units or is not moving toward that goal. She noted that when a town has a certain percentage of land devoted to affordable housing it creates a safe harbor. She would like to know who performs that calculation and whether agricultural land with restrictions is taken out of that calculation. She also inquired why this calculation has not been done in Hamilton. Mr. Johnson stated that he and Mr. Fox would work with the assessor's office to begin this calculation.

Mr. Mills stated that the Affordable Housing Trust is a volunteer board that needs another member. He also noted that the Trust is understaffed. He stated that the Town does not meet the ten percent state goal. Only seven units of affordable housing have been created in the past few years. It is also very unlikely that the Town meets the land use safe harbor.

#### MILES RIVER VILLAGE

Mr. Carey noted that the Affordable Housing Trust has been criticized for not doing more to stop the Miles River Village project. He stated that the Town should not be interfering in a private transaction. He explained that they were aware that the project was going forward, however there has been no application. Mr. Johnson commented on the size of the project, noting that there was strong support when it was between eighteen and twenty-four units. However, there was not a vote of support for a larger project.

Mr. Shields stated that since October, the Trust has supported the project at 108 units. He stated that no-one has seen documents such as the purchase and sale agreement or legal opinions. None of the documents pertaining to the project have been shared with the neighbors.

Mr. Mills stated that it should not be surprising that the Affordable Housing Trust supports affordable housing. He also explained that the Trust has told Harborlight that there are several unresolved issues including traffic and legal restrictions.

Mr. Shields stated that the Affordable Housing Trust never asked for public input on the project before voicing their support of it. He believes that this is a bad site for a 40B project, yet the Trust never compared it to alternative sites. He noted that the Trust has not seen plans for the project. He explained that Mr. DeFranza has sent neighbors a letter stating that he will be filing a project eligibility letter and that they will be filing a 40B application without the review of the Trust.

Mr. Mills noted that Mr. Shields has stated that the Affordable Housing Trust has failed to oversee a private transaction between a landowner and a private developer.

Mr. Johnson explained that with a 40B project, a town should engage early in the process. The best way to shape a 40 B project is to engage the applicant. The Trust only endorsed a concept. They would like to shape community input. Once there are plans, they will gather input on the plans. The project has not been in front of the Trust.

Mr. Shields handed out minutes from past meetings of the Trust indicating that the Trust has had several discussions on the project. He stated that Mr. DeFranza is not wed to this property and that other sites should be considered.

Mr. Carey asked Mr. Shields what he thinks should have happened. Mr. Shields states that the project should have been aired with the community and the selectmen before it had gotten this far. Mr. Carey responded that the Trust cannot interfere with a private transaction. The developer and property owner are private parties. The Town could get sued for interfering.

Conway Felton stated that the neighbors feel that they were not informed about the project. It appears that anyone can file a 40B application. Mr. Carey responded that was true unless the town has met the ten percent affordable housing requirement. Mr. Johnson added that the Town has been working for several years to create affordable housing.

Mr. Felton stated that he believes that there are alternative parcels of land in town where affordable housing could go. Mr. Johnson suggested that he contact Patrick Reffett, Planning Director. Mr. Felton inquired what the timeframe would be for other sites to be considered for affordable housing. Mr. Mills stated that once an application is filed, there are statutory timeframes. He suggested that Mr. Felton contact Harborlight. Mr. Felton concluded by stating that he is amazed by the 40B statute.

Ms. Walker stated that what she has heard at this meeting is that the Affordable Housing Trust is understaffed and therefore is unable to do their job. Mr. Mills stated that she misinterpreted what was said. Ms. Walker stated that if Mr. DeFranza wants to be on good terms with the Town, then Town Officials should call him and tell him to find another site. She noted that this project has not been discussed with the Town, and it should be.

Carol Schrock noted that at the present time, Harborlight has no plans to access Orton Road, since Mr. DeFranza has stated that they do not own land on Orton Road. She inquired whether this could happen. Mr. Shields stated that this may need approval of the homeowners along Orton Road. Mr. Johnson stated that it would be difficult to put the road through.

Eric Sabo inquired about the process to get the project moved to another site. There was a discussion regarding the role of the Trust, residents, the developer, tax credits, upcoming meetings, and town meeting control over funding. Peter Britton noted that there are alternative sites.

Susan Lawrence stated that if there are alternative sites available, she would appreciate if those sites were looked into. Peter Clark stated that the Cutler site may be available for affordable housing. The Town land behind the public safety building is another option. Mr. Johnson noted that the access to the Cutler property may have issues.

Bill Andrade inquired about the Harborlight request for \$1.5 million from the Town. Mr. Johnson stated that Harborlight has not made this request. However, if they do, this is a point where the Town may have leverage over the project. Mr. Mills stated that Harborlight would like to have town funding to show that the Town is making a commitment to the project. Mr. Johnson drew a chart on the board to show how the financing of the project could work.

Mr. Sabo inquired whether the Trust could request Harborlight to postpone the submittal of their Project Eligibility Letter. Mr. Mills stated that they could make that request.

Jeannie Wolcott stated that she has spoken to Mr. DeFranza and he has stated that he will not lower the number of units from 108 due to the costs of the land. He has also stated that he cannot change the project to have more elderly housing in relation to family housing because he would not get as much state funding. Mr. Carey stated that this could change if the Town put money into the project.

Mr. Mills stated that he would like to see the energy that is in the room channeled to create affordable housing in the Town. He noted that change will come and people need to be proactive. Otherwise, there will be 40B projects where the Town will have little control. He also mentioned that the Town is working with a good developer (Harborlight).

Bill Andrade inquired whether the Town can negotiate a smaller project with fewer units. Mr. Mills stated that it is unlikely on this site. Mr. Johnson stated that at one time recreation fields were proposed on the site, but there was no town support. Mr. Mills concluded that there is a lot of history with this site.

Mr. Johnson summarized the next steps. He noted that there is an upcoming Board of Selectmen meeting. There is an upcoming Affordable Housing Trust meeting.

There is a request to slow down the Project Eligibility letter and find alternative sites.

Mr. Britton noted that there is the issue that the site is adjacent to the high school. Mr. Johnson stated that he hopes that the selectmen will address this issue. Mr. Mills noted that the schools can handle the additional students. Mr. Britton noted that Rickers Circle was a previously approved 40B project.

Mr. Carey made a motion to adjourn the meeting at 8:00 p.m. Mr. Britton seconded the motion and it was unanimously approved.