

DRAFT MINUTES
Hamilton Affordable Housing Trust
September 1, 2016

Members present: Marc Johnson, Michael Lombardo, Peter Britton, Bill Wilson and Russ Tanzer.

Town staff present: Patrick Reffett, Director Planning and Inspections, Mary Beth Lawton, Director, Council on Aging and Dorr Fox, Community Projects Coordinator.

Peter Britton called the meeting to order at 6:35 p.m.

Marc Johnson moved to approve the minutes of the August 17, 2016 meeting. Bill Wilson seconded the motion and it was unanimously approved.

PURPOSES AND GOALS OF THE AFFORDABLE HOUSING TRUST

Mr. Johnson stated that while the Affordable Housing Trust has a production plan, it is not a development agency. The purpose of the Trust is to conduct a review and make a recommendation to Town Meeting and other boards, such as the Board of Selectmen, Finance Committee and the Community Preservation Committee. The Trust should also review projects and make recommendations to boards that have permitting authority. When a project uses town funds for affordable housing, this is an invitation for the Trust to give an opinion. He believes that the end product will usually be a recommendation.

Michael Lombardo stated that he agreed that when it comes to housing development, the Trust's role is to give a recommendation or help facilitate the process and work with other committees. The Trust can take the lead on a loan or revolving fund program. The Trust can also be a disseminator of information. Russ Tanzer agreed that the Trust is not a developer. He believes that the Trust should assess options and determine the best route for the Town to proceed regarding affordable housing.

Mr. Wilson stated that the Trust is the developer of a list, not a project. The list can include public and private properties. The Trust should prioritize and vet the list and work with other boards to review projects. The Trust will make recommendations to decision makers, such as Town Meeting. Mr. Britton stated that he had invited seniors to come to the meeting. He believes that seniors and young people need affordable housing in Hamilton. He believes that the Trust should prioritize the affordable housing needs for the Town.

IDENTIFIABLE NEEDS FOR AFFORDABLE HOUSING FOR THE TOWN OF HAMILTON

Mr. Lombardo stated that the Housing Production Plan identifies that there is a lack of diversification in the town's housing stock. There are few rental units. There

needs to be affordable housing for seniors and young professionals. A goal should be the diversification of housing in the Town.

SPECIFIC AFFORDABLE HOUSING NEEDS FOR SENIORS

Mr. Lombardo inquired of the audience how many people thought that rental housing was important. Many members of the audience raised their hands. Betty Gray inquired what affordable housing specifically is. A man in the audience inquired what the state requires of Towns for affordable housing. He also wanted to know how deficient Hamilton is. Mr. Tanzer responded that the state requires towns to have ten percent of their housing stock as affordable units. Hamilton needs three hundred affordable units. Hamilton currently has eighty-five affordable units. The Housing Production Plan calls for the construction of fourteen units each year.

Mary Beth Lawton inquired what the price of an affordable house in Hamilton is and what the income level requirements are. Mr. Johnson stated that a family can make a maximum of sixty percent or eighty percent of the area's median income to qualify for affordable housing, and in some cases forty percent. The median income changes each year, however, it is approximately \$72,000 to \$75,000 currently. The state requires that no more than thirty percent of a family's income be used for housing, therefore the housing costs are not fixed. Many town employees would qualify for affordable housing. In some cases there is an asset test. Many seniors who just sold a home might not qualify for affordable units. Mr. Wilson noted that there is a lottery for the units. The Trust would like to promote having a local preference of seventy percent.

A woman in the audience inquired how long the units are required to stay affordable. Mr. Britton noted that there is a project in town that had affordable housing that was restricted for thirty years. At the end of the thirty years, the affordability requirement will expire. In the future the Trust hopes that all units will be affordable in perpetuity. He noted that because there is a rail stop in town, Hamilton qualifies for smart growth programs through the state. Other Trust members explained smart growth further and the state programs related to it. Mr. Johnson emphasized that while the Town can look to the smart growth programs, the Town's affordable housing approach can include sites that are not close to commuter rail.

A member of the audience inquired about local preference in the lotteries. Mr. Wilson explained how local preference works. Patrick Reffett explained that local preference needs to be negotiated with DHCD for every project.

Mr. Johnson discussed the Chapter 40B MGL process. He explained that in the case of home ownership projects, only twenty five percent of the units need to be affordable. In the case of rental projects, he noted that all of the units count toward the affordable housing units in the town, even if all of them are not affordable.

A woman in the audience inquired whether there would be larger projects, such as the Housing Authority project on Railroad Avenue. Mr. Britton noted that the Housing Authority is a state agency, which is not controlled by the Town. Ms. Lawton noted that there are forty four senior units overseen by the Housing Authority. There is no funding for that number to grow. She is hoping that the Affordable Housing Trust can meet with the Housing Authority to resolve this issue. Mr. Johnson noted that the dialogue has already been started. He also noted that the Trust is hoping that there will be affordable units in the Hamilton Development Corporation's project on Willow Street.

A member of the audience inquired whether the Town could handle another three hundred units. Mr. Lombardo stated that there is enough capacity in the water treatment plant for the units, however, the amount of water capacity is up to nature. There is a conflict between the policies of the various state agencies. On one hand they want more affordable housing, but on the other they hope to limit development based on water issues. There is a question of how to get higher quality water to the treatment plant. However, there is enough water capacity under their permit. Mr. Wilson noted that for every project on the list there will need to be a review of the issues and impact on town services.

Mimi Fanning inquired about whether there was a new way to count affordable housing units in a town. She inquired whether accessory units can count towards the Town's units. Patrick Reffett noted that the state legislature has been considering such legislation. However, in order to count towards a town's ten percent, the housing must have an affordable housing restriction. Mr. Johnson added that the units would also need to be affirmatively marketed.

DISCUSSION OF PROCESS

Mr. Johnson explained the process that he had drafted for the Trust to consider when reviewing potential sites for affordable housing. The process has six steps. The intent of the process is to engage neighbors, identify and discuss issues and do everything transparently. He drafted this process as a starting point for the Trust to discuss. He believes there should be a process for the Trust to follow. Mr. Lombardo stated that he is comfortable with the process as written. Mr. Britton stated that he believes that it is useful to have this kind of structure. Mr. Lombardo made a motion to approve the process as written by Mr. Johnson. There was discussion regarding the number of affordable housing units in Hamilton and how many are needed. Mr. Wilson seconded the motion. Mr. Tanzer was concerned that the Trust could get bogged down in a laborious process when determining which sites are suitable for affordable housing. He believes that the process should be streamlined and that decisions should be made in a short amount of time. All of the members voted in favor of the motion.

CHAPTER 40 R MGL

Ted Common, President of Concord Square Planning and Development, a consulting firm and development company, made a presentation on Chapter 40R MGL. He noted that Chapter 40R MGL was passed in 2004. It enables the creation of an overlay district which allows for local control over development in the district. There are several elements to the legislation. It allows for local control by requiring Town Meeting approval by a two thirds vote. There is a school cost reimbursement program. The legislation also allows for design standards to be built into the zoning. The state gives a contribution to the town once the zoning is approved, roughly equal to \$1000 per unit. When the units are built, the town gets another payment of \$3000.

The process for the development includes identifying sites for development, putting together the zoning bylaw, putting together an application to DHCD, and meetings with the Selectmen, developers and neighbors. DHCD must approve the district. The zoning must allow for as of right development. The site must be in a smart growth location. A smart growth location is a site that is either within a half mile of a train station, in an area that is already developed or within a town center. It cannot be in an open field isolated from other development. The purpose of the legislation is to concentrate development in areas that are near transportation centers or already have development. Over thirty five districts have been approved and over three thousand housing units have been built. The creation of these districts encourages a developer to come in and create a project within the community.

Mr. Johnson inquired whether the school cost reimbursement has been funded. The state legislature has recently passed a bill for fifteen million dollars in funding, however, he cannot guarantee there will always be funding. He explained the formulas for obtaining the state funds. Mr. Wilson inquired whether the state considers the income of the community. Mr. Common stated that the state takes into account Chapter 70 funding. There are many other factors that are also considered. Reimbursement is not automatic.

Mr. Britton inquired what the state takes into consideration when approving a district. Mr. Common stated that it is not straight forward. The state takes into consideration the broad definition of a smart growth district. A community can propose multiple sites for a 40R district. The sites do not need to be contiguous. A community can propose five or six districts and see what the market does for developing them. If you passed the districts and met your production plan, you would not need to worry about projects under Chapter 40B MGL. It makes sense to pass the districts together rather than sequentially.

Mr. Lombardo inquired if the creation of a Chapter 40R MGL district precludes the development of the site under Chapter 40B MGL. Mr. Common stated that it would not preclude doing a Chapter 40B MGL project, however, there would be no need to. Ms. Lawton inquired whether there is an automatic local preference under Chapter

40R MGL. Mr. Common stated that he believes that the community needs to specify this under their Chapter 40R MGL plan.

Mr. Johnson noted that in the past it was financially difficult for an abutter to appeal a project approved under Chapter 40R MGL. Mr. Common stated that if one appeals a project approved under Chapter 40R MGL, they must secure a bond, so if they lose, the money goes to the developer to cover the carrying costs of the project while it was under appeal. It makes it more difficult to appeal the project. Mr. Johnson noted that it also raises the bar to approve a district at Town Meeting.

Mr. Common stated that there is another issue where if a town obtains money for passing a Chapter 40R MGL project and the units are never built. In the past, the Towns have not been required to return the \$1000 per unit they received back to the state. Mr. Tanzer inquired whether there were any Chapter 40R districts on the North Shore. Mr. Common stated that there are districts in Marblehead, Swampscott, Haverhill, Fitchburg and North Andover. There are approximately thirty districts in the state. The intent of Chapter 40R MGL was to allow for a series of meetings and to have local control over the design of projects. There is no local control over projects approved under Chapter 40B MGL.

A man in the audience inquired who the Chapter 40R MGL process would attract. He noted that Harborlight has already proposed 108 units near Longmeadow Way. Mr. Common stated that Harborlight might be interested in developing on a number of sites. Mr. Johnson stated that he believes that Chapter 40R MGL gives the community more control and that a developer might like this because it provides as of right zoning. It gives the authority to the Town as a whole, more than the immediate neighbors, who are unlikely to appeal. Mr. Common stated that if the immediate neighbors are not on board with the district, it is unlikely that the zoning will receive two thirds approval at Town Meeting. The entire process usually takes between six months and a year.

Mr. Reffett stated that Chapter 40R has density requirements. A district must have twenty units per acre for multi-family units, twelve units per acre for two and three family homes and eight units per acre for single family homes. Mr. Britton asked how this would work with town owned land. Mr. Common stated that it would be the land that the town would sell or lease to the developer. Mr. Common noted that the densities are minimums and that they can go higher. However, if a community cannot handle the septic, they can go down to fifteen units per acre.

A woman in the audience inquired why the Trust was discussing Chapter 40R MGL. Mr. Lombardo explained that the Trust was learning about the statute to determine whether it was a process they thought the Town should pursue. If they believe that it is worthwhile, they could pursue it for the Annual Town Meeting. Mr. Johnson stated that Mr. Britton wanted the Trust to know that this process is one of the tools in the tool chest. Mr. Britton noted that until the Town meets the state affordable housing requirements, the Town is vulnerable to projects proposed under Chapter 40B MGL. Mr. Lombardo stated that the financial reimbursement is not what is

attractive to the Town. The design control is attractive. Mr. Wilson stated that he is concerned about the density requirements of Chapter 40R.

Jacob Fiumara noted that the Longmeadow project is proposed at seven units per acre. The Affordable Housing Trust voted against the project based upon its size. Considering Chapter 40R MGL requires fifteen units per acre, he is uncertain why the Trust is contemplating it as a tool. Ms. Fanning wondered whether Wenham would be allowed to have a Chapter 40R MGL district. Mr. Common stated that it is possible that their town center would qualify.

A man from the audience inquired about the stumbling blocks that an unfriendly comprehensive permit would face. Mr. Johnson stated that an example of an unfriendly project is The Junction. The Zoning Board of Appeals reduced the number of units in the project. It is an example of a project where the community did not have much control over the design. The units are located fifteen feet from the road. They maxed out the footprint. The Zoning Board of Appeals did what they could with the project. Mr. Lombardo noted that there can be litigation. However while it is a roadblock, it mostly is just a delay.

Mr. Britton noted that the Longmeadow project started as a twenty four unit project. It grew to a 108 unit project. When it was originally proposed there was a need for \$60,000 in CPC funds. With the increase in size, there is a need for \$1.5 million. He noted that if the Town does not contribute, it will diminish local preference. The Trust aims for seventy percent local preference. A man in the audience inquired whether Harborlight actually requested the \$1.5 million. Mr. Britton stated that was the number that was anticipated. Mr. Johnson explained that while Harborlight never formally asked for the funding, Andrew DeFranza had mentioned at meetings that they would request \$1.5 million in funding from the Town.

AFFORDABLE HOUSING TRUST GOALS FOR SPECIAL TOWN MEETING

Mr. Lombardo stated that the Affordable Housing Trust should determine whether the parcels of land on Central Avenue and Lincoln Avenue should be released for sale, with the intention of Habitat for Humanity developing them for affordable housing. This release would need to be approved at Town Meeting. If the Trust is going to be nimble to work with Habitat for Humanity to build a couple of units, they should go to Town Meeting for approval. The Board of Selectmen needs to approve the lease of land, such as in the case of providing housing at the Senior Center site. Mr. Wilson inquired about the steps that the Trust needs to go through. Mr. Johnson noted that they just approved the process. He believes that they could go forward on these sites very quickly.

Mr. Lombardo stated that they could consider creating a Chapter 40R MGL district, however, he does not believe that they could accomplish this by the Special Town Meeting. It is possible to have a public meeting with the Board of Selectmen to see if this is a direction citizens want them to go in. Mr. Britton stated that they could

have a multiple board meeting to determine whether certain sites would be appropriate for Chapter 40R MGL districts.

Mr. Tanzer inquired whether Mr. Lombardo was certain that the Board of Selectmen could approve a lease for the Senior Center site. Mr. Lombardo stated that he would need to check with legal counsel. Mr. Johnson stated that he believes the lease would need to be approved at Town Meeting.

Mr. Wilson stated that he believes that the Trust should be working to create a list to determine sites where affordable housing can go. If they can identify a few sites where twenty-five units can be built and continue to work on the host agreement, they could meet with DHCD and state they are working to implement the production plan. He believes that sites that can accommodate more units should take priority over sites where only one or two units can be built.

REVIEW OF TOWN OWNED AND PRIVATELY OWNED SITES FOR AFFORDABLE HOUSING

A woman in the audience stated that there are several issues regarding the Senior Center site, such as access. She believes that it is premature to go to Town Meeting. Mr. Lombardo and Mr. Britton noted that there is a scope of services that Mr. Reffett is working on to assess the issues on the site. Several people in the audience stated their opposition to tearing down the Senior Center. They were also concerned that there were plans that had been circulated showing housing to be constructed on the site. Mr. Britton stated that the plans were only created to help him visualize what could be constructed on the site.

Mr. Britton stated that there is a forty-four acre site that is currently for sale known as the Cutler property. He believes that the Trust should be looking at this property as a possible site for affordable housing. Mr. Johnson explained that all of the plans that have been created for the Cutler property, the Senior Center site and the Gordon Conwell site have not been prepared by the Affordable Housing Trust. He stated that all of the private meetings with developers and architects by individual members of the Trust acting as private citizens need to stop. He believes that since they are a public body they need to act as a public body. A woman in the audience stated that she applauds what the Trust is doing now, versus what it didn't do in previous years. Mr. Johnson stated that he believes that the Trust needs to follow a transparent process if they are to obtain community support and pass measures at Town Meeting. It is legitimate to discuss the properties, but a process is required.

Heidi Clark, a resident of Porter Lane adjacent to the Cutler property, stated that the wetlands on the Cutler property are vernal pools. She noted that the plans that Mr. Britton had hired an architect to draw did not recognize that there is a hundred foot buffer surrounding a vernal pool. Since there is a vernal pool system, the project as drawn cannot be built. She believes that the site would be great for education. She has been in contact with Greenbelt and the Cutler School regarding this property. The site could also be used for the expansion of the Harvard polo grounds.

Ed McCarthy, a nearby resident of the Cutler property, believes that creating a dense residential project on the site would have an adverse impact on the single family home community. He believes his quality of life in Hamilton would be ruined by the development. A woman in the audience observed that nobody wants affordable housing developed in their neighborhood. She believes that somebody will need to give in. Mr. Wilson noted that they have not come to the step in the process where they meet with other boards and assess impacts on specific properties. The Trust needs to identify locations and meet with the right boards to discuss the impacts.

Mr. Britten stated that he will be meeting with the President and CEO of Gordon Conwell Theological Seminary on Tuesday, September 13th. The Trust determined that Mr. Britton should meet with Gordon Conwell as the representative of the Trust and not as a private citizen. Mr. Johnson and Mr. Lombardo believe that Mr. Britton should not discuss drawings that have not been seen by the other Trust members. It should be a meeting that focuses on the Town's goals and Gordon Conwell's goals.

Mr. Fiumara stated that the Cutler property has forty three acres, of which sixteen are wetland. He noted that the plans he reviewed showed housing on the eastern portion of the site with access through a wetland. He was told that the access through Maple Street would have a locked gate. He stated that the locked gate does not placate him and should scare residents of Cunningham and Porter Streets. He noted that the plans he saw for the Cutler property had a denser development than the plans Harborlight had for the Longmeadow site. While he supports the concept of looking at alternative sites for affordable housing, he questioned why the Town is not working with Harborlight to support the Longmeadow project. He believes that it is not helpful to develop concept drawings for the alternative sites. It just inspires the abutting residents to oppose a project there. He believes that the Town should work with Harborlight to create a project on the Longmeadow site that would satisfy everyone.

Bill Derry stated that he moved to Hamilton because he did not want to live in Lynn. He notes that the Trust is looking at various sites. He believes that the Trust should do their due diligence on each of the sites. He is aware that the seniors do not want to move out of their building. He notes that the Town would need to buy the Cutler property to create affordable housing there. He likes the Junction and does not like the barracks in Beverly. He would like to control the affordable housing in Hamilton. He believes that the Trust should look at the issues of each site and prepare a report. Mr. Johnson stated that he agrees with Mr. Derry.

Ms. Gray inquired why affordable housing could not be considered for the Patton property. Mr. Lombardo clarified that leases must be approved by Town Meeting. Mr. Wilson stated that he believes that the Trust should continue to look at the Longmeadow site as a potential location for affordable housing. He believes that the Trust should look at four properties as potential sites for affordable housing including, the Senior Center site, the Cutler property, the Gordon Conwell site and the Longmeadow site.

Mr. Britton stated that he thought they were waiting for Mr. DeFranza to make a move regarding the Longmeadow site. Mr. Johnson stated that Mr. DeFranza is waiting for Town support for the Longmeadow project. It is his understanding that the Longmeadow site is still under consideration by the Trust as a potential site for affordable housing. Mr. Lombardo stated that he thought that Mr. DeFranza has not brought back any proposals because he is waiting to see what the alternative sites are. He also thinks that the Longmeadow site is still under consideration. Mr. Wilson stated his concern that they are not moving as fast as they need to. Mr. Britton stated that they have engaged the community.

A woman in the audience inquired why the Trust is not focusing on the Longmeadow site for a location for affordable housing. Mr. Fiumara stated that he planned to call Mr. DeFranza to ask him to set up a meeting with the Affordable Housing Trust. He is concerned that Mr. DeFranza will lose site control over the Longmeadow site if the Trust does work with him soon. Another woman stated that she thought the Trust should not focus on private lands where the landowner is not proposing a development. She mentioned that a developer looked at the Cutler site and determined that his proposed development could not be built.

An abutter to the Longmeadow project stated that the Longmeadow project is complicated. There are many issues related to the site and the project, including the siting of the buildings and their height. Chapter 40B MGL is very intricate. She believes that affordable housing should be spread around the town and not concentrated on one site. She is concerned about the impacts of the Longmeadow project on the town.

A woman in the audience inquired whether the Town has requested relief from the affordable housing requirements in consideration of environmental issues. Mr. Johnson stated that they have met with DHCD and Mass Housing in town. Chapter 40B MGL is a statute and the town must meet the affordable housing requirements. There can be flexibility on whether the housing should be primarily for seniors. The Town would need to make a case to the state. A member of the audience noted that the Town created the Housing Production Plan with the intent of creating fourteen units each year. Since the Town never created the units, he is doubtful that the state would give relief to their standards.

A man in the audience stated that the Cutler site has vernal pools and is habitat for the Blue Spotted Salamander. This would make at least half of the site unbuildable. He passed out a document from Mass Heritage showing the habitat. Considering these environmental issues, he believes that the Town should not spend money on a consultant to review the site as a potential location for affordable housing.

SCOPE OF SERVICES FOR CONSULTANT ASSISTANCE

Mr. Reffett stated that he believes that the issues that have been brought up are very worthwhile. He explained that the consultant will help the Trust assess the sites, including issues such as vehicular access, pedestrian access, the distance of a site

from the train, parking demands, impacts to schools, impacts to public safety and impacts to the senior center.

Mr. Wilson inquired whether the consultant would look at all four properties that had been discussed. Mr. Lombardo stated that some of the issues can be discussed with town staff, such as the Conservation Commission or the Board of Health. It was decided that the scope of services would focus on the COA/Winthrop School/Public Safety Building site and could be modified or expanded to encompass additional sites. There was a discussion regarding whether the Trust should expand the scope of services to review private land. Mr. Lombardo noted that it might be good to give an initial look at Chapter 61 land. Mr. Johnson suggested not looking at the Chapter 61 land. Mr. Britton mentioned looking at sites such as the Cutler property. Ms. Clark noted that the Cutler property no longer for sale. Mr. Fiumara stated that if the Trust looks at the Cutler site, they should look at the Longmeadow site.

Mr. Wilson inquired whether it was time to look into the issues for these sites with other boards. Mr. Johnson stated that the Trust needs to identify the issues. Mr. Lombardo stated that they should not go to other boards until there is a project to consider. Mr. Wilson stated that perhaps there are other steps where they can move forward, including inviting Mr. DeFranza to meet with them.

NEW BUSINESS

There was short discussion of upcoming meetings. There was a short discussion on conflict of interest. The next meeting will be at 6:30 pm at the Senior Center on September 14, 2016. Mr. Britton moved to adjourn the meeting at 9:40 p.m. Mr. Lombardo seconded the motion and it was unanimously approved.