

MINUTES
Hamilton Affordable Housing Trust
January 5, 2017 - 6:00 p.m.
Hamilton- Wenham Library

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

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

Peter Britton opened the meeting at 6:00 p.m. Marc Johnson moved to approve the minutes of the December 15, 2016 meeting. Russ Tanzer seconded the motion and it was unanimously approved.

NEW BUSINESS

Mr. Britton stated that the Trust would continue its review of the Senior Center/ Winthrop School/ Public Safety Building site as a possible location for affordable housing. He noted that there were new plans and ideas that had been submitted. He requests that the Town Hall staff and the Police and Fire Departments review the concept plans and report back to the Trust. He noted that when he brought this topic up to Planning Director Patrick Reffett, Mr. Reffett suggested that the Trust make a request for the staff to review the plans. Mr. Johnson noted that the members of the Trust had not yet reviewed the plans. Mr. Johnson stated that he assumed that the plans that are being mentioned are the plans that were developed by Doug Trees. He noted that these plans were counter to the concepts that were developed by the Trust's consultants. He is not comfortable having the staff review the plans. He also believes that the review is not consistent with the Trust's adopted process. Mr. Britton stated that he was aware that the Police Chief and the Fire Chief have objections to the plans and he believes that the Trust should explore alternatives with them.

Mr. Britton stated that he hoped that the Trust could review alternatives for the development of the site. Mr. Tanzer noted that the Trust had already vetted the site. Bill Wilson objected to discussing the site because it had not been placed on the agenda. He also noted that the School Department should weigh in on the site. Mr. Britton stated that he only wished to hear from the police and fire departments at this time. Mr. Reffett stated that he had told Mr. Britton that if the Trust wished for staff to review the plans, the Trust should make that request. Mr. Wilson stated that there had been a lot of discussion on the site and now there are new plans that have been introduced. He believes that they need to talk with the school department.

Mr. Lombardo stated that he is concerned that there are several plans floating around that have not been endorsed by the Trust. He does not support the department heads reviewing these plans. A woman in the audience stated that three months ago she attended a meeting where the residents surrounding the site were told that due to a variety of issues that the site was not being considered for affordable housing. She is now being told differently and that there is a plan under consideration. She believes that Mr. Britton has a conflict of interest. Another neighbor, Siobhan Madden, complained that she was noticed for the first meeting on this site, but was never told that there were subsequent meetings. Mr. Wilson noted that the Trust has been reviewing the site. There are many issues and complexities regarding the site, however, it has not been excluded as a site for affordable housing. He also stated that he knew nothing of the plan that has been presented. Mr. Johnson noted that the Trust had not discussed the findings of the consultants. They have not determined whether the site is suitable for affordable housing and are not ready to discuss specific plans. He believes that the Trust should discuss the issues of the site in general at the meeting on January 19th and not specific plans. Mr. Wilson stated that the meeting on January 19th should focus on the issues pertaining to the site, and not a specific plan. He suggested inviting the Planning Board and the School Committee to the meeting to have a joint discussion. Mr. Britton stated that he is glad that the Trust members have clarified how they should proceed. The meeting on January 19th will focus on the Winthrop School/Senior Center/Public Safety Building site.

7 KINSMAN LANE

Mr. Johnson reviewed the issue identification report that he and the Town staff had prepared. He noted that the site has minimal visual impact to Bay Road, being located behind Town Hall and the historic district. A project would require a comprehensive permit through Chapter 40B MGL, since the Town does not permit multi-family housing at the site. While the site has adequate uplands for a septic system, a project would require Board of Health review as well as possible Conservation Commission review. The majority of the site is under a conservation restriction, however seven acres of the site is not restricted. A portion of this unrestricted area is in an Interim Wellhead Protection Area, which would limit the number of bedrooms. The site is privately owned and since it would most likely be sold to a developer, the ownership/permitting scenario should not be complex. The site is located near the Bay Road/Bridge Street intersection and may have an impact on that intersection. Traffic impacts should be addressed during the review of the comprehensive permit. The site has the potential to substantially contribute to the number of affordable units in the Town. There would be few financial impacts to the Town unless funds were obtained through the Community Preservation Act.

He noted that the site had been part of the Chapter 61 agricultural restriction program, however was no longer in this program. Therefore the Town does not have the right of first refusal for the site. Any project would need to respect the existing conservation restriction. The site is adjacent to the Town Cemetery. A

project may allow for the expansion of this cemetery. Mr. Wilson inquired what happened in regards to the Chapter 61 status of the site. Mr. Britton stated that the site was under a Chapter 61 restriction for ten years, however a lien was never filed. Therefore, when the site left the Chapter 61 program, there was no right of first refusal for the Town. Mr. Johnson inquired whether the Town may still have rights. Mr. Wilson inquired whether the Town would have the ability to regain the reduced taxes that the property owner received while the property was under a Chapter 61 restriction. Mr. Boroff read from the Assessor's records that the site was under a Chapter 61 restriction for ten years and was no longer in the program.

Mr. Johnson inquired whether there were other issues that they had not discovered such as rare and endangered species. Dorr Fox stated that there were no vernal pools or environmental issues on the site other than a FEMA flood zone that was within the conservation land. Mr. Britton stated that the Town should request that the state abandon the Bridge Street well. Mr. Lombardo stated that he was not certain the Town wanted to abandon the well, even though it is not currently used. Mr. Britton stated that this is not a gating issue.

Mr. Wilson inquired whether the Town would have an interest in the site for Town purposes due to its proximity to Town Hall. There was discussion about expanding the DPW yard, expanding the cemetery and locating a cell tower on the site.

A member of the audience stated that when a property has a Chapter 61 restriction, the owner may have the responsibility to pay back taxes if the property is sold for development at a later time. Mr. Johnson explained that Chapter 61 is intended to be a temporary restriction. After the restriction is lifted, it can be developed for what is permitted by the underlying zoning. However, the Town may have residual rights.

Peter Clark stated that two way access to the site beyond 500 feet may be an issue for the police and fire department. This topic should be researched. Steve Homer explained that access to the site is not allowed through Paddock Lane through a legal agreement. He also noted that there is an identifiable stream that runs across the property in the back of the DPW yard. There are also wetlands on the site.

Brad Haley stated that the site is visible from Bridge Street and that any project would have a visual impact. He also stated that he thought there was a desire not to concentrate affordable housing in one area of the Town. There would be such a concentration, if affordable housing was constructed on both the Kinsman Lane parcel and 560 Bay Road. Mr. Britton stated that under smart growth principles the Town should locate as much affordable housing in the center of the town as possible. The Trust is constrained by which parcels of land are available for sale as well as being under pressure by a large project that has been proposed. He is sympathetic to the concept of not concentrating affordable housing in one neighborhood. The Town is fortunate to be working with Harborlight as a partner to develop affordable housing. Mr. Wilson concurred that it appears that there is a concentration of the sites under consideration for affordable housing, especially if

one includes the Longmeadow site and the Gordon-Conwell site. It is not the intention of the Board of Selectmen to concentrate affordable housing in one area, but to spread it out throughout the town. He noted that the Trust is just creating a list of potential sites and is constrained by the sites that are available. Mr. Britton stated that the Town is doing something unusual by planning for the location of affordable housing.

Mr. Johnson inquired whether Mr. Haley could see Mr. Pirie's house from Bridge Street or Town Hall. Mr. Haley stated that he could not see Mr. Pirie's house, but could see the undeveloped land within the parcel. Without a plan for a project, it is difficult to determine what he could see if a project is constructed. Ann Barney, a resident of Bridge Street, stated that she could see Mr. Pirie's house from Bridge Street, including from the new bridge. Brendan McWilliams, a resident of Paddock Lane, stated that there is a lot of development happening in the area as well as a lot of proposed development. He is concerned about the traffic impacts. Mr. Homer stated that everybody will be able to see the cell tower. Marcie Homer noted that Kinsman Lane is close to the post office. She believes that the traffic will impact the post office, specifically in terms of safety.

Mr. Trees inquired whether there was a price for the parcel of land. Mr. Britton stated that he believes it is listed for sale at 2.45 million dollars. Mr. Trees stated that he believes that this is a high cost per acre. This will increase the per unit cost of the project. Mr. Johnson stated that this high cost of land is why the state is concerned about the Town's ability to create affordable housing. Mr. Wilson stated that other than Town-owned land, there is no other cheaper land within the town. Mr. Trees stated that the Town should focus on town-owned land for affordable housing. He is concerned that the project could look like Turtle Creek. Mr. Wilson stated that the public process to determine the sites is very important.

Mr. Johnson stated that the Trust should update the report to incorporate the new issues that were identified. Mr. Britton stated that what is important is whether there are any gating issues. Mr. Johnson stated that would be the next step after all of the comments are incorporated. Mr. Wilson inquired whether they should invite other boards, such as the Planning Board, to the next meeting. Kevin Fitzpatrick requested that the Trust keep their process transparent and post updates on their website. Mr. Britton suggested that the Trust discuss the site at their next meeting and request that other boards give them comments in the interim. It was noted that some of the boards may not meet by then.

Shaun Dwyer, a resident of Walnut Road, asked about the properties that the Selectmen have voted on and the impact of that vote. Mr. Wilson stated that there were three properties that the Selectmen voted on, including 13 Essex Street, Longmeadow and Gordon-Conwell. The vote puts the decision making on Harborlight to consider which of these sites is most appropriate for affordable housing. Mr. Britton explained that the selectmen have created a host community agreement and are working with Harborlight and Habitat for Humanity. The Trust is working on a list of sites to be considered.

560 BAY ROAD

Mr. Britton noted that this discussion is a continuation of the first public discussion on the site. Mr. Johnson stated that the letters which the Trust received since that meeting were very thoughtful and brought up good issues. It has influenced his thinking on the site, which is different than when the site was previously discussed.

Mr. Britton stated that there is an issue of how one creates a large building on the site that fits into the character of the historic district. He noted that this is an issue of architecture and design. He noted that it may be best to increase density on sites that are less visible and decrease density on sites that are within the historic district. Mr. Johnson stated that the issues pertaining to the site are difficult to mitigate, including the historic district impacts, the slope of the site and the dangerous intersection. He believes that there are many issues in relation to the number of units that could be constructed on the site. If the project is small, one does not get enough units to make the project financially feasible. If the project is large, the impacts of the project cannot be mitigated.

Mr. Lombardo stated that he does not think it would be a good use of public funds to reduce the number of units to make the project work on this site. He does not believe that reducing the number of units allowed on the site would work financially for a developer. Mr. Britton suggested that the project could be paired with another site, such as 7 Kinsman Lane. Mr. Lombardo stated that he still does not think a small project would work financially on the site due to the purchase price. Mr. Britton stated that if this is not a gating issue, then it is up to the developer and the state to determine whether to go forward. Mr. Johnson believes that they should shape the project at the Trust's level. He thinks that if the complexity of the site increases, perhaps this is a site that should not go further in the process.

Mr. Britton suggested that if traffic is an issue, the Trust should indicate that a traffic study should be recommended. Mr. Johnson noted that they are already aware that traffic is bad at the intersection. Peter Clarke noted that there is already a traffic study for the intersection.

Veronica Curan, an abutting neighbor, stated that she is concerned about traffic impacts, the slopes on the property and the location within the historic district. Mr. Wilson inquired about addressing these issues to the other Trust members. Mr. Johnson stated that the visibility and impact on the historic district would be difficult to mitigate. He stated that due to visibility and traffic concerns, he prefers the Kinsman Lane site over the 560 Bay Road site. Mr. Lombardo stated that if a developer wanted to build a very small project, such as two or three units, he could support a project on the site. Mr. Tanzer stated he does not believe they should remove the site from their list. A developer should be allowed to make a determination on it.

Gretchen Fitzpatrick inquired whether a project would be reviewed by the Historic District Commission. Mr. Fox explained that if the project is submitted as a

comprehensive permit, it would bypass the Historic District Commission and be permitted by the Zoning Board of Appeals. If not submitted as a comprehensive permit, it would need a certificate of appropriateness from the Historic District Commission. A member of the audience inquired whether the financial impact to the surrounding neighborhood, such as a negative impact to the existing homes, is taken into consideration. Mr. Johnson stated that this impact may be difficult to determine. Mr. Trees inquired about what could happen to the historic house on the site. Mr. Britton stated that the house could be demolished. Mr. Wilson stated that they could put a condition on the selection of the site that so that the house would be preserved. Mr. Britton noted that they were working well with potential development partners regarding development issues. A woman in the audience stated that there will be an economic impact on the million dollars homes in the Town and they will need to be reassessed.

Ms. Curan noted that there are many issues surrounding the 560 Bay Road site. She does not understand why they would send it to the next step in the process. Mr. Johnson stated that he is comfortable making a motion to not send this site forward to the next step. He believes that more input from other boards will not change their position of the site. Mr. Wilson stated that he prefers the Kinsman Lane site over the 560 Bay Road site. Mr. Tanzer stated that he believes that the site should not be removed from the list. He believes that the site should be looked at in conjunction with the Kinsman Lane site. He believes that the two sites could be a blended project. Mr. Johnson stated since they wish to preserve the historic district and they wish to have safe intersections, this site may not be appropriate. The issues will not go away and will only lessen if the project is smaller. The Trust should focus on more positive sites. There is marginal benefit to this site. Mr. Lombardo stated that he is not willing to say that no project could ever go on the site, and does not wish to foreclose future development on the site. However, at this time, he sees many issues regarding the site.

Mr. Johnson made a motion to not move 560 Bay Road on to Step 3 of the process at this time. This motion preserves the ability to reconsider the site at a later date. However, it is not ready to forward on its own. Mr. Britton concurred with Mr. Lombardo's assessment. Mr. Wilson seconded the motion. Four members voted in favor of the motion.

DISCUSSION WITH ANDREW DEFRANZA, HARBORLIGHT COMMUNITY PARTNERS

Mr. Britton explained that this section of the meeting will be a discussion with Andrew DeFranza from Harborlight Community Partners, one of the Town's partners in the Host-Community Agreement and Brian Stein, president of the Hamilton Development Corporation, which has control over a site in downtown Hamilton. Mr. DeFranza noted that the Hamilton Affordable Housing Trust is going through a unique planning process to vet various sites as potential locations for affordable housing. Mr. Stein explained that the Hamilton Development Corporation owns 63 Willow Street, a commercial building previously known as Mac's Shoe Shop. It also owns Mac's former home at 59 Willow Street, which is a small house

behind the commercial building. It is approximately one acre of land. The HDC intends to redevelop the site with a mixed use project. They put out an RFP last year, however, did not get much of a response. They are working to make the site more interesting to developers. They are currently performing soil tests to determine how many bedrooms can be located on the site. They have also been talking with Harborlight and the Affordable Housing Trust about creating a project with affordable residential units. They are also still considering a project that has market rate housing.

Mr. Britton explained the Host-Community Agreement as an agreement between the Selectmen and a developer partner, including Habitat for Humanity or Harborlight. When the partner would like to move forward with a site for affordable housing, they would contact the Selectmen for their support. Mr. Lombardo explained that the Host –Community Agreement that is signed sets forth how the Town and the development partner go forward. There would be a separate process once a site is selected.

Robert Borsetti inquired whether the Hamilton Development Corporation had control over the Willow Street site. He also inquired how much the property cost. Mr. Stein stated that they had control over the property and that it cost \$600,000, however it is currently appraised at \$700,000. They are funded through the meals tax. They have a mortgage and they have three renters that pay the mortgage. Mr. Borsetti inquired whether they are planning to develop the site through the host community agreement. Mr. Stein responded that they have not gone that far in their discussions. He noted that any developer would need to be selected through an RFP process. Mr. Borsetti inquired whether the HDC would have the final say on the development. Mr. Stein noted that the HDC has the final say. He noted that the voters created the HDC to be more nimble and be able to act without the approval of the Selectmen. Mr. Borsetti stated that he is upset that the HDC has so much authority without further oversight.

Mr. Trees noted that the site has had septic issues in the past. He is inquiring about the status of this issue. Mr. Stein noted that they are currently putting together a study which will determine the status. They believe that the tests will reveal that they can have twenty units on the site. The septic system would only serve the proposed development. He noted that there are storm water issues because many of the surrounding buildings drain to that site.

Mr. Johnson inquired whether Harborlight is flexible to build a project for residents with a higher Average Median Income (AMI). Mr. DeFranza stated that they generally look to build housing for people who make 60% AMI (\$60,000). This allows them to obtain tax credits and look for other funding sources. While they could build housing for people at 80% AMI, they would not be able to obtain tax credits. Mr. Johnson noted that if there is a higher AMI, then the Town may be required to contribute more since there are no tax credits. Mr. DeFranza noted that if the project had a higher AMI, it would be market driven by a private developer and may be a larger project. Mr. Britton inquired what would be the minimum

number of units one would need for their typical project. Mr. DeFranza noted that generally the minimum could be twenty-five or thirty units, however, if there is a big cost it could go higher. Generally a smaller project, such as twenty-five to thirty units, could not financially handle an appeal, which is a problem. Mr. Johnson noted that the Town could contribute money through CPA which would allow a smaller project without a financial loss to the developer. He inquired whether a town meeting vote to contribute funds would ease the mind of a developer regarding an appeal. Mr. Britton stated that it may be better to consider the Chapter 40R MGL permitting process to create affordable housing. Mr. DeFranza stated that they generally prepare for an appeal when they propose a project. Mr. Clarke inquired whether Harborlight prefers rental or home-ownership projects. Mr. DeFranza stated that they prefer rental projects.

Mr. Britton moved to adjourn the meeting at 8:05 p.m. Mr. Wilson seconded the motion and it was unanimously approved.