



Special Town Meeting

October 13, 2018

At the close of registration on October 3, 2018 there were 5,979 registered voters.

Precinct 1 – 131
Precinct 2 – 104
Precinct 3 – 149

Assistant Town Moderator/Teller	William Bowler	328 Essex Street
Appointed Tellers:	Susan Ackerman	16 Greenbrook Road
	Anne Gero	180 Asbury Street
	Denise Kelly	2 Beech Street
	Laura Macphail	100 Ortins Road
	Frederick Mills	15 Arthur Avenue
	Robert Woodbury	484 Bridge Street

The Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 9:00 A.M. with 384 voters checked and present.

The Moderator introduced himself as Jeff Melick and thanked residents for attending. Mr. Melick said: “There are a number of people who have volunteered and worked hard to put together the physical facilities and lighting, etc. to make this meeting possible today and I’d like to thank them publicly for their efforts. We couldn’t do this without their kind assistance.”

Pledge of Allegiance

Town Moderator stated: “I would like to start with four general reminders. First if you are a registered voter in Hamilton, you should have picked up a voter card at the table in the foyer. If you haven’t and wish to vote, then I ask you to get one now. You will need to raise the card to cast your vote on the issues we decide here today. Second, please turn your cell phone to silent. If you need to take or make a call, please leave the room to do so. Third, we welcome nonvoters to the Town Meeting, but do ask that you sit in the visitors’ area in the back left so it will be easier to know who is able to vote and who is not. Voters should not stand against the wall and if they leave, they won’t be allowed back into the room until the vote is completed. Fourth, registered voters also sit in the overflow room in the cafeteria. I have appointed William Bowler to be the assistant moderator there and I would like to express my gratitude that he is willing to do that for us today. There is a pro and con to having the overflow room. The pro is that it allows voters with children to sit in there, participate in the voting and ensure their children are okay. The con is that it takes longer to get votes counted. I have erred on the side of supporting parents coming to Town Meeting by continuing the tradition of having this room available. People in the cafeteria desiring to speak to any article must come to the microphones in the auditorium.

To assist me with vote counting, I have appointed six tellers, two for each of the sections in this room. The sections are the left, as you look forward, the center, and the right and front. Mr. Bowler will serve as the teller for the overflow room. The tellers for this room, who have been properly sworn, are as follows: Ann Gero, Denise Kelly, Bob Woodbury, Susan Ackerman, Fred Mills, and Laura MacPhail. I would like to thank them for doing this for us.”

Jeff Melick introduced Jeff Hubbard (Selectmen), Scott Maddern (Selectmen), Bill Olson (Selectmen) Shawn Farrell (Selectman Chair), Joe Domelowicz (Town Manager), Phil Stearns (FinCom Chair), David Wanger (FinCom), John Pruellage (FinCom), Darcy Dale (FinCom), Nick Tensen (FinCom), Marisa Batista (Finance Director), Donna Brewer (Town Counsel), Andrea Carlson (Town Clerk), and Allison Jenkins (Selectmen).

Town Moderator said: “I hope you all read and brought your copy of the Town Warrant. If you did not there may still be some extra copies in the foyer. The agenda for the meeting is the Warrant. It was prepared by the Board of Selectmen. To bring an agenda item before the meeting, I will recognize a member of the sponsoring board, committee, or individual so they can make a motion. If the motion is seconded, I will recognize the proponent to speak to you about it first. Once they are done, I will ask the FinCom for their opinion, then open discussion up to you. If you wish to speak, you must first ask me to recognize you. To save time, I ask that you already be standing at one of the microphones in the room. They are on the right and left side of the room. Once you’re recognized, please state your name and street address. You may then make comments or ask questions about the motion. You will have three minutes to do so. Your comments and questions must be within what we call the four corners of the motion. Please do not make comments about any person or group who is in favor of or against the

motion, just comment on the merits of the motion itself. Please no applause. All motions to amend a motion must be submitted to the Town Clerk in writing. If you need assistance in framing it, Town Counsel will provide you with some assistance. No more than one motion to amend may be pending at the same time. A vote is first taken on the motion to amend, and then any subsequent motions to amend, which would be considered, and then on the main motion whether it is amended or not. As I mentioned, when a vote is taken, I will ask you to raise your voter cards and I will then decide visually whether there is the necessary majority or 2/3 or 4/5 majority vote. If I am in doubt, or seven voters question the vote immediately after I declare the outcome, I will have the vote counted by the tellers. In the event someone moves the previous question, what they are asking is that all discussion on the motion cease and that we take an immediate vote. A motion to move the previous question requires a 2/3 vote. However, if I as moderator do not believe there has been an appropriate amount of discussion on the motion because there are a lot of people in line waiting to speak or if the discussion just started, I have the right to postpone consideration of the motion to move the previous question.

Finally, let me say this. I am aware that some of the articles here have engendered a lot of emotion on behalf of some people on one side or the other. Please keep in mind that those who will be standing before you speaking about the motion have the town's best interests in their heart. You may not agree with them, but that's alright. Disagreement is a natural thing. It is part of our democratic process. But please keep your comments to the merits of the motions and not the people involved. I want to make sure that everybody that wants to stand up and speak about something, feels comfortable in doing so. That is the essence of Town Meeting government. It is okay to disagree. It is not ok to be disagreeable.

Finally an announcement as to Holds. Some of our motions will include a listing of items that will be voted on as a group unless a voter shouts Hold on the item. When there is a shouted Hold during the reading of a list for consideration by the meeting, the identity of the voter requesting the hold must be ascertained first. This information is for the minutes of the meeting and to save meeting time when a held item is considered later in the meeting. If I am unable to identify a voter requesting a Hold I may disregard the Hold.

We will begin with brief reports by Shawn Farrell, the Chairman of the Board of Selectmen.”

Town Moderator recognized Shawn Farrell.

Board of Selectmen Report

Shawn Farrell read: “Thank you Mr. Moderator. Good morning everyone and welcome to Special Town Meeting. First I would like to say thank you to all the people involved in front and behind the scenes who helped put this meeting together and thank you to all the boards and committees who volunteer their time and effort. All your hard work is truly appreciated. And thank you all for attending today.

Town meeting is one of the purest forms of democracy and your opportunity to guide the future of our town. I appreciate the time you are taking out of your days to be here for our town. Before

we get to the issues I just want to take a quick moment to share with you some updates on town business.

I would like to take this opportunity to welcome our new Town Manager, Joe Domelowicz. He has gotten off to a running start and I am encouraged by his approach to the issues Hamilton faces and the way he has conducted himself so far. I would like to thank Chief Russ Stevens for all his help with the Town Manager search and filling in as acting Town Manager when it was needed. Our police department recently finished the accreditation process and passed with flying colors. We are one of 78 police departments accredited in the state.

Fiscally we are in great shape and our reserves are strong. We had a clean audit and have maintained our AAA bond rating. We continue to maintain our three-year forecast and five-year capital plan. Our Finance Director Marisa Batista helped the town secure a Community Compact Grant from the state to review and work on our financial policies and we are working through them now. As part of this process The Board of Selectmen is developing capital and reserve polices before this year's budgeting cycle begins. We have been fiscally responsible and kept our operating budget increases to a minimum. If you recall last year's increase was around 1%.

Our school enrollment is down 7% over the last five years and we need to work on finding a way to decrease school costs to reflect this decline by working with the School Committee during their budget process.

Trash costs have grown because of increased recycling tipping fees associated with a drop in the Chinese market. We have just recently renamed our recycling Committee the Waste Reduction Committee to reflect our goal of reducing our waste and not just focusing on recycling. Please take the time to educate yourself on our compost program as compost typically accounts for the most weight in our trash program and the more we compost, the more money we will save. If you did not receive a mailer about our composting and recycling program, I encourage you to go to the Town website to see what can and cannot go in your compost and recycling. There is also information in the lobby today.

Our Council on Aging is strong and serving almost 2,000 of our growing senior population and our senior transportation program is the envy of other towns with a wait time of around 15 minutes. The COA would like to add that they and we wish Lucy Frederiksen our Social Services Specialist a speedy recovery from a recent surgery.

Our joint Recreation Department has had another great year with huge growth as a result of the pool and continues to offer great programing to our residents. The two centerpieces of Patton Park have been improved. The gazebo has had the old railings removed and steps have been built that surround the structure. The Patton Park Tank has also had a much-needed facelift courtesy of a local scout, Hugh Gist, for his Eagle Scout project. We have worked with Wenham to regionalize our inspection services and look forward to the efficiencies it will generate.

Our Vacant and Dilapidated Buildings Bylaw that was voted in favor of last Town Meeting, has been approved by the Attorney General and is being enforced. Green Meadows Farm has been approved for an indoor medical marijuana farm on the property. You may recall that we voted no to marijuana retail in Hamilton at a past Town Meeting and that still will be the case. A host community agreement was signed with Green Meadow Farm and the Town will receive 1.5% of the revenue generated until a threshold of \$6 million in profit by the farm is met and then the Town will receive 1.75% after that. We will also gain money to pay for a school resource officer as part of the agreement. I would like to thank Bob Patton for his commitment to give back to the Town of Hamilton during the negotiation process.

Our Town Hall Building committee has hired an Owners Project Manager and has begun the process of looking into the rehabilitation of our Town Hall. The Town Manager has started a Gordon Conwell Theological Seminary Task Force to look into working with the seminary to figure out how the seminary and the Town can work together to come to an agreement on their payment in lieu of taxes or some other form of compensation. They have had a handful of meetings with the seminary and will continue to negotiate over the next few months.

We purchased a new fire truck that arrived in August to replace our previous Engine #1. Chief Phil Stevens is retiring at the end of December after 37 years of hard work and dedication to the Town of Hamilton. Please join me in a round of applause to honor Chief Stevens and to congratulate Ray Burnett who will be filling his shoes starting in January as acting Fire Chief.

Town Meeting voted to approve a Municipal Aggregation Program at a previous Town Meeting to reduce the electrical supply rate for our citizens. The Town partnered with the Town of Gloucester to go out to bid for a reduced electrical rate. The bid from Nextera was locked in about a week ago at 11.4 cents per kWh including 5% of the supply coming from renewable sources. Residents can also opt for 0% renewable rate of 11.3 cents per kWh and 100% renewable rate of 13.4 cents per kWh. National Grid's announced supply rate per kWh will be 13.4 cents as of Nov 1st if we had stayed with the utility. Citizens will see the benefit of the program in an upcoming utility bill.

Our water treatment plant has been having updates made to it so that we can treat the water more efficiently and operate as it was designed. We expect the update to be finished in the next month. We expect to remove the water ban at the next Board of Selectmen's meeting. The water main replacement project that was voted through over several Town Meetings is going well. 22,000 feet have been replaced so far.

Our partnership with Ameresco to place a three-acre solar array at the Town landfill is getting closer to coming to fruition. The project will generate 1 million kWh of electricity annually for purchase by the Town. The purchase price will be .02/cents a kWh below the National Grid retail price. Ameresco will also pay approximately \$10,000 annually through a lease payment or PILOT. Total anticipated benefit to the Town is \$30K annually.

You may recall at last Town Meeting an advisory vote was taken to not tax the DCR Property on Highland Street. The Board of Selectmen is interested in reaching an accommodation with Mr.

& Mrs. Kaminski, the residents of 550 Highland Street, and has asked the Town Manager and Town Counsel to begin meeting with the Kaminski's to accomplish that. At the same time the Board of Selectmen is working aggressively with the State administration and legislature to change the law to make 550 Highland Street not taxable as soon as possible. This week there will also be a scheduling conference with the judge pertaining to the lawsuit involving Varsity Wireless' proposed cell phone tower behind Town Hall.

The owner of 133 Essex Street has closed sections of the Chebacco Woods Trails that go through the property and the town is weighing its options to keep the trails open that have been used by the general public for hiking, horseback riding, and other passive recreational use continually for more than 20 years. We feel we have a strong case to keep the trails open for our citizens to enjoy.

We are working with our State representatives to address the amount of power outages in Hamilton and have an upcoming meeting with National Grid to work on solutions. The Town and Habitat for Humanity partnered together to build two affordable units on Asbury Street that are near completion.

So as you can see, we have a lot going on. There are many important issues being brought before us to vote on today. We are all here because we care about the future of Hamilton, There is no us or them in this room, we are all neighbors. So while we may not all agree on these issues, let us not forget to treat each other as such. We are all in this together. Thank you."

Town Moderator recognized the Town Manager, Joe Domelowicz

Joe Domelowicz thanked residents for welcoming him to town.

Town Moderator read: "We will now begin going through the Articles in the Warrant."

SECTION 1: REPORTS, PROCEDURES

ARTICLE 2018/10 1-1 Reports.

Town Moderator read: "To hear reports of Town Officers and selected committees and to take action thereon or relative thereto. Reports will appear in the Town Report for Calendar Year 2018."

Town Moderator recognized Shawn Farrell.

Shawn Farrell said: "I move that the reports of Town Officers and Committees be received and placed on file.

Seconded.

Shawn Farrell said he would like to take action on the reports.

Bill Shields (721 Bay Rd.) requested information regarding the three pending Citizen's Petition's for paying bills, hiring counsel and having a report with regard to the cell tower litigation. Mr.

Farrell responded that the report was not yet complete. The Selectmen were waiting for litigation to wrap up.

Vote: Motion carries.

ARTICLE 2018/10 Consent Motion

Town Moderator read: “I will now entertain a motion to consolidate in one consent motion, the following articles to be taken up and voted on as one motion. Shout out Hold as the list is read. Any article for which there is an accepted Hold will be deleted from the Consent Motion and taken up and considered separately according to its place on the Warrant.

The Motions to be consolidated into one consent motion will pertain to the following:
2-1 FY’19 Budget Adjustments, 2-2 Appropriation for Fire Equipment, 2-3 Prior Year Bills, and 4-1 By-law Amendment Personnel By-law.”

Town Moderator recognized Shawn Farrell.

Shawn Farrell said: “I move that the numbered motions for the articles read by the Moderator be approved by one vote, each motion to be deemed a separate action under the Warrant Article having the same corresponding number.”

Seconded.

Shawn Farrell noted that due to the efficiency of Town Meeting, the articles were considered together.

Moderator read: “Since the motion for Article 2-3 requires a 9/10th vote, I will only call the consent motion as approved if it is unanimous.”

Vote: Motion carries.

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2018/10 2-4. Community Preservation Funds

Town Moderator read: “To see if the Town will appropriate monies from Community Preservation Fund special revenues, specific reserves, or other available funds for the undertaking of community preservation projects as recommended by the Community Preservation Committee, or take any action thereon or relative thereto.

I will now read the recommendations of the Community Preservation Committee. Shout out a Hold for any item for which you would like separate discussion. The proposed financial actions area follows:

Item 1 – Open Space and Recreation – to appropriate \$17,000 from the Community Preservation Fund Balance to fund the removal of invasive species in Weaver Pond in Patton Park, with the condition that the effort commence prior to November 1, 2019.

Item 2 – Open Space and Recreation – to appropriate \$10,000 from the Community Preservation

Fund Balance to fund the rehabilitation/replacement of the two basketball hoop systems at the basketball courts in Patton Park, with the condition that the effort commence prior to July 1, 2019.

Item 3 – Historic Preservation – to appropriate \$5,500 from the Community Preservation Fund Balance to fund the restoration of the cannons in Patton Park, with the condition that the effort commence prior to July 1, 2019.

Item 4 – Historic Preservation – to amend the vote on the motion for Article 2-7 of the November 4, 2017 Special Town Meeting to permit the appropriation from the Historic Preservation Reserves to fund both the Owners Project Manager (OPM) and design services for the restoration of Hamilton Town Hall, no further appropriations needed.”

Town Moderator noted that no “Holds” had been heard.

Town Moderator recognized Jay Butler.

Jay Butler (78 Old Cart Road/CPC Chairman) said: “I move that the Town act on the Community Preservation Committee recommended specified projects and appropriate \$17,000 from the Community Preservation Fund Balance to fund the removal of invasive species in Weaver Pond in Patton Park, with the condition that the effort commence prior to November 1, 2019, appropriate \$10,000 from the Community Preservation Fund Balance to fund the rehabilitation/replacement of the two basketball hoop systems at the basketball court in Patton Park, with the condition that the effort commence prior to July 1, 2019, appropriate \$5,500 from the Community Preservation Fund Balance to fund the restoration of the cannons in Patton Park, with the condition that the effort commence prior to July 1, 2019, and amend the vote on the motion for Article 2-7 of the November 4, 2017 Special Town meeting to permit the appropriation from the Historic Preservation reserves to fund both the Owners Project Manager (OPM) and design services for the restoration of Hamilton Town Hall, no further appropriation needed.”

Seconded.

Jay Butler presented a slide regarding the grant requests and explained the needs. The Patton Park weed eradication had been done ten years prior. DeRosa Engineering would apply herbicide and use a hydro-rake to remove the invasive species. The Hamilton Recreation Department had requested the replacement of the basketball systems. A donation from Hamilton Wenham Youth Basketball would also be used to fund the project. The DPW requested to restore the cannons at Patton Park. A local firm would do the work to restore the cannon. A portion of the GoFundMe page overflow from a Boy Scout’s Patton tank project would be used to supplement the cost. The final item corrected an oversight for the \$75,000 grant awarded the previous year. The original grant application was clear that the money was for OPM and some design services. Design services wording was not used in the original article.

Vote: Motion carries.

ARTICLE 2018//10 2-5 Appropriate and Transfer Funds to the Patton Homestead Fund.

Town Moderator read: “To see if the Town will raise and appropriate or transfer from available funds a sum of money to the Patton Homestead Fund to fund Fiscal Year 2019 operating costs,

or take any action thereon or relative thereto.”

Town Moderator recognized Carin Kale.

Carin Kale said: “I move to see if the Town will raise and appropriate and transfer to the Patton Homestead Fund \$90,011 to fund Fiscal Year 2019 operating costs.”

Seconded.

Carin Kale (36 Rock Maple Ave/President of Patton Homestead Inc.) noted the support received in the past. The budget had two parts including \$30,000 for a six month Director salary who would report to the Town Manager, be responsible for day to day management, and bring in revenue. \$63,000 for ongoing maintenance and start-up costs was also being requested. \$20,000 of the request would go back to the General Fund to represent the overhead expenses incurred by DPW Director and Town Manager’s time. Revenue from the Wenham Museum was noted. Reasons to Support the Operating Budget were due to revenue potential, the use of the community asset, the need for transparency and clear reporting of operating costs versus revenue, the existence of momentum including the parking lot and renovations completed, and its affordability. A capital campaign was planned for further renovations and a business plan was being developed. Senator Tarr was successful at obtaining a \$750,000 grant earmarked (for next July) for renovations in a State Capital Bond Bill. Patton Ridge condominiums brought in over \$1M to the Town and generated \$150,000 in taxes annually. Ms. Kale indicated that the Homestead was not losing money. Mrs. Patton had sent a letter and agreed with the recommendation.

John Pruellage (FinCom) provided insight into the favorable recommendation to the article and thanked members of the Patton Homestead Board for their being an example of volunteers in the community. Mr. Pruellage said FinCom shared the view of the Patton Homestead being a cultural asset. The FinCom was unanimously in favor of the article with reservations such as if the Town should be operating an event venue and if the business was viable. The FinCom expressed objectivity in the process and asked for the Summary be more objective but their comments were not taken, according to Mr. Pruellage. The FinCom had challenged the Patton Homestead Board to take a number of actions, which they were in the process of doing. Actions included a more robust business plan, more granular revenue and expense projections, and an understanding of the potential for fund raising and grants. The FinCom wanted more viable milestones by next spring in order to track the progress of the project. Mr. Pruellage said the Town could not fund the project as the Town had many other competing priorities. Mr. Pruellage indicated that hiring a Director would be a way to see the process through. The FinCom was not yet convinced that the project was viable long term even though they shared the Committee’s enthusiasm and wanted to see the project take the next step. Mr. Prueallage added that this article would allow that.

Lynnette Fallon (38 Goodhue St.) asked about current funds, how much it cost currently, the run rate and balance. Carin Kale responded that was why the previous Town Meeting approved the special fund to create transparency. Ms. Kale said \$6,000 went to the General Fund while costs were paid out of Homestead Fund. Jerry Fallon (38 Goodhue St.) asked if the grant from the State was absolute to which Ms. Kale responded that the Governor had signed it but they would not be received until July 2019. Mr. Fallon asked why two Selectmen had voted against it.

Allison Jenkins (75 Plum St.) said she voted against it because of a statement made but fully supported the Homestead and article currently. Jeff Hubbard (85 Miles River Road) said he voted against it because the Town had funded it for eight years and ancillary activity such as this were ones the government should not be involved in if they wanted to reduce or have level taxes.

Jackie Hodge (222 Cutler Road) questioned the full time Director. Carin Kale said it would be a full time position with benefits. The decision was based on input from the interim Town Manager.

Susan Lawrence (105 Rock Maple Ave) asked to whom the director would report, to which Ms. Kale responded it would be the Town Manager as the non-profit did not own the property. Lynnette Fallon asked about the balance of the Homestead Fund to which Ms. Kale responded that it was about \$20,000 for day to day operations. Allison Jenkins clarified that the previous Town Finance Directors were not the issue with the accounting of the project, but the previous Town Manager had restricted the accounting. Bill Dery (356 Chebacco Road) wanted to have a complete accounting of what had been spent and how much more would be needed before approving the article. Mr. Dery said there was \$1.5M in repairs needed. Ms. Kale said the group was working with a consultant to determine needs. Ms. Kale noted the money given to the Town upon the condominium sale and the taxable income from the condominiums.

Vote: Motion carries.

ARTICLE 2018/10 2-6 Funds for Affordable Housing – Longmeadow Project.

Town Moderator read: “To see if the Town will appropriate or transfer a sum of money from available sources to the Affordable Housing Trust for the purpose of reducing the number of housing units to be developed by Harborlight and/or its partners at the Longmeadow Way location, such award to be subject to such terms and conditions as are acceptable to the Affordable Housing Trust or take any action thereon or relative thereto.”

Town Moderator recognized Marc Johnson.

Marc Johnson said: “I move that the Town transfer \$600,000 from Certified Free Cash to the Affordable Housing Trust for the purpose of creating housing units to be developed by Harborlight and/or its partners at the Longmeadow Way location, such award to be subject to developing no more than 50 affordable units and no less than 40 affordable units, and not to be used for legal fees, and upon such other terms and conditions as are acceptable to the Affordable Housing Trust.”

Seconded

Mr. Johnson explained the 40B requirements noting the town was at 3%, which would drop when some units dropped off. There was no State law enforcing the requirement except that a developer could supersede local zoning. Mr. Johnson showed slides of the potential development of 40 units between Longmeadow 3 and Longmeadow 5. The preliminary sketch, schematic site plan, and schematic elevations were shown. Detailed plans would be presented to the ZBA for approval. The Affordable House Trust (AHT) would be spending \$1.3M for Longmeadow Way, which would be \$32,000 per unit. Funding sources included \$300,000 from AHT, which were provided previously by the CPC. \$400,000 would be from the Canterbrook Senior Housing Project, which was already agreed to by the Planning Board. \$600,000 from free

cash was the remaining need, which was what the article was asking.

According to Marc Johnson, Harborlight had an agreement with the Hamilton Development Corporation to purchase Willow St. to construct 20 senior affordable units. Harborlight had conditioned the agreement stating that they needed a companion project anywhere in town because the State liked family or workforce housing. The linkage was Harborlight getting permission from the State. \$300,000 was previously committed for that project for a total of \$1.6M for both developments. Longmeadow 3 and 5 would be sold by Harborlight as affordable or market rate units. They budgeted \$700,000 if an affordable restriction were placed on the houses but they would be valued at \$250,000 each. The Town would cover the shortfall for the property for a cost of about \$200,000 but the AHT didn't want to commit future Town Meetings for those dollars, so the AHT would allow additional density for up to ten units. If eight units were provided, the Town would not need to fund the project further.

Marc Johnson said the Affordable Housing Trust wanted 40 units not 100 or 200 units. The cost and social consequences would be wrong for the Town of Hamilton. Mr. Johnson showed a comparative analysis of the school costs, which compared the number of units and their costs considering Hamilton's share of the regional system. Mr. Johnson also compared the cost of a \$600,000 ask and the cost of educating hundreds of new students. Mr. Johnson also referred to the work of the AHT in trying to accomplish their goals.

Town Moderator recognized Phil Stearns.

Phil Stearns (FinCom) said: "Good Morning. I want to thank the Affordable Housing Trust. For many years, they have done a lot of work trying to resolve an issue that Hamilton has because it is clear that Hamilton needs Workforce Housing. Teachers, police, town employees, seniors and other current residents would all benefit from more affordable local housing and it stands to reason that 40 to 50 units will have less impact on the town than a higher number. However, the FinCom thought the Summary in the Warrant for Article 2-6 was somewhat biased and left out important information. FinCom wrote a second summary and submitted it to the Board of Selectmen for consideration. We received no response from the Board of Selectmen, other than the fact that the original summary was used without our suggested changes. We thought it was relevant to remind voters that the CPC declined to appropriate funds for this purpose on August 9th, 2018.

The Finance Committee's "No" recommendation was based on the original article that we voted on September 5th. At that time the article was significantly different from the current motion. The amount of funding and the source of the funding were not specified. At our meeting, we were verbally informed that the amount of the ask would be up to \$1M that would be used to limit the development to 48 units +/- . There was no guarantee that Harborlight Community Partners (HCP) would accept this money if offered. It was verbally explained that HCP would want additional funding of up to \$700,000 for the existing homes at Longmeadow. If this amount is not achieved through a sale, then the Town would be asked to make up the difference or additional units could be added. \$300,000 has already been earmarked for Longmeadow by the AHT. At that time the total appeared to be \$1M plus \$300,000 plus the difference for existing

homes maybe \$250,000-500,000. This total is in the \$1.5 to \$1.8 million range. And another \$300,000 is already being held somehow to support 20 units on Willow St.

There is uncertainty about what the alternatives are: The ask to the CPC in early August stated that ‘Harborlight has recently discussed constructing up to 100 units of Affordable housing on the site. In this current ask the number is 200 units of market rate housing a percentage of which will be affordable. The origin of these numbers has not been made clear. There is uncertainty about what the site can support: To our knowledge, there have been no septic or other site engineering studies done. It is possible that the site cannot support 200 units or even 100 units. Maybe we should find out what the site can hold before investing Town money. FinCom has not seen any agreement with Harborlight concerning costs, terms and conditions. So far all we’ve had is word of mouth. Our conclusion, when we voted, was that there was too much uncertainty to commit Town resources and that there was still time to get more information before a decision had to be made. We can wait until we see a formal proposal from a developer and then negotiate based on facts.

Unfortunately, FinCom cannot make a recommendation on the current Motion as just presented because there was no time for us to give 48 hours for notice to hold a meeting to discuss it. We saw it for the first time on Wednesday. One final point: The town is currently in the process of developing Financial Policies. The next policies on deck are Financial Reserves and Capital Planning. These will include targets for Free Cash and our Stabilization Fund. It is also recommended by MA Dept. of Revenue that we add a new fund called a Capital Stabilization Fund that can accrue money to help us with future capital expenditures such as buildings and equipment. Allocating \$600,000 from Free Cash before we finalize the fund targets in these policies could leave our reserves short of where we want to be. Personally, I can’t speak for the committee, but I have not seen enough to change my opinion.”

Dave Thompson (103 Essex St.) spoke against the proposal. Jack Lawrence (105 Rock Maple) spoke against the proposal. Bill Dery (356 Chebaco Road) spoke against the proposal. Jean Towne (20 Savoy Rd) spoke against the proposal. Bill Olson (419 Highland St./Board of Selectmen/AHT) spoke in favor of the proposal. Bob Curry (713 Bay Road) spoke against the proposal. Marc Johnson responded. Anna Siedzik (227 Highland St.) spoke in favor of the proposal. Rosemary Kennedy (61 Rust St.) spoke against the proposal. Dawn Thibeault (10 Annies Lane) spoke in favor of the proposal. Allie Moffet (2 Smithwood Terrace) spoke against the proposal. Ron Huth (34 Maple St.) spoke in favor of the proposal. Richard Boroff (40 Moynihan Rd) spoke in favor of the proposal. Lynnette Fallon (38 Goodhue St.) spoke against the proposal. Patrick Gray (151 Asbury St.) spoke in favor of the proposal. Bill Shields (721 Bay Road) spoke against the proposal.

Motion made by Tracy Lutz (39 Chestnut St.) to vote on the previous motion.
Seconded.

Town Moderator explained that a Motion to move the previous Motion needed a 2/3rds majority.

Vote: Motion carries and Town Moderator declared a 2/3rds vote.

Vote: Main Motion does not carry.

Town Moderator explained that Marc Johnson had been told he would be able to respond to comments at the end of the discussion. Jeff Melick added that he had followed protocol for when the Motion to move the original motion was made. Mr. Melick said the vote was overwhelmingly against the article.

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2018/10 3-1 Zoning By-law Amendment – Accessory Apartments.

Town Moderator read: “To see if the Town will amend the Zoning By-law deleting current Sections 3.6 and 3.7 and substituting therefor as Section 3.6 the language set forth in Appendix A, or take any action thereon or relative thereto.

Town Moderator recognized Rick Mitchell.

Rick Mitchell said: “I move that the Town amend the Zoning By-law deleting current Sections 3.6 and 3.7 and substituting therefor as Section 3.6 the language set forth in Appendix A of this Warrant.

Seconded.

Rick Mitchell presented slides and explained the key elements of the article. Mr. Mitchell said the proposal was a continuation of an update of Zoning By-law rewrites. Mr. Mitchell noted the three current By-laws that allowed accessory apartments in the Zoning by-law. The recommendation of the consultant was to consolidate this into one workable By-law. According to Mr. Mitchell, homeowners would be able to build an apartment as part of their house with no more than two bedrooms and one bath. Other requirements were noted such as parking, landscaping and access. Air BnB would not apply. The special permit would expire when the home was sold.

David Geikie (230 Highland St.) spoke against the expiration of the permit. Rick Mitchell responded that a potential buyer would see the special permit on the recorded deed. Dan Bakinowski (42 Woodbury St.) questioned the permit he received and its potential expiration. Mr. Bakinowski also questioned the “whichever is less” portion of the By-law. Mr. Mitchell thought it would expire upon sale but then said only going forward, special permits would expire. Mr. Bakinowski said the ZBA informed him the permit would not expire. Donna Brewer responded that he would be grandfathered with no sunset clause being in the current By-law. Rosemary Kennedy (61 Rust St.) requested clarification to the expiration dates, use, and downtown applicability due to small lots. Mr. Mitchell responded that accessory apartments were currently allowed under three By-laws. As the previous By-laws allowed for 25% of the home, the new By-law said 900 sf. Bill Dery (356 Chebacco Road) questioned section 5.3 noting it would not apply.

Motion made by Bill Dery who said: “I move to amend the motion to delete 5.2 from Appendix A of this Warrant.”

Seconded.

Rick Mitchell said it was a friendly amendment.

Charles Chivakos (27 Village Lane) supported the amendment.

Vote: Motion to amend carries.

Rick Mitchell said: “I move to amend Appendix A of the Warrant by deleting “whichever is less” from Section 4.4.”

Seconded

Darcy Dale (58 Woodbury St.) asked if a special permit would expire while a variance would not expire. Donna Brewer said a special permit would trail with the deed. Allison Jenkins (75 Plum St./Board of Selectmen) said the By-law was for an accessory apartment and not a two family. After conferring with Bill Bowler (ZBA), Donna Brewer said two family housing would not change and this would only affect Section 3.6 and 3.7. The special permit would run with the land.

Town Moderator said: “The motion is to amend Appendix A of the Warrant by deleting “whichever is less” from Section 4.4.”

Vote: Motion carries.

Town Moderator said: “The motion is that the Town amend the Zoning By-law by deleting the current sections 3.6 and 3.7 and substituting therefore from Section 3.6 the language set forth in Appendix A of the Warrant with the deletion of Section 5.2 in Appendix A and the words “whichever is less” from Section 4.4.”

Second

Town Moderator noted the vote required a 2/3rds majority.

Vote: Motion carries. Town Moderator noted the 2/3rds majority.

ARTICLE 2018 10 3-2. Delete Conservancy District from Zoning By-law.

Town Moderator read: “To see if the Town will amend the Zoning By-law by deleting Section 9.3 CONSERVANCY DISTRICT as set forth in Appendix B or take any action thereon or relative thereto.”

Town Moderator recognized Allison Jenkins.

Allison Jenkins said: “I move that the Town amend the Zoning By-law by deleting Section 9.3 CONSERVANCY DISTRICT.”

Seconded.

Allison Jenkins recalled the previous Town Meeting had discussed the topic. The consultant had indicated that the By-law was unenforceable and was open to lawsuits. Residents amended the motion to give time to study the topic for Special Town Meeting. Since Annual Town Meeting, Ms. Jenkins had conducted research to find that in 1965, Annual Town Meeting passed the By-law to protect the wetlands but since then, other laws were enacted to protect the wetlands. Some would like to see the district remain and those residents could approach the Town with a new By-law that would increase protection for wetlands, species, or meadows to be voted upon, according to Ms. Jenkins.

Gretel Clark (823 Bay Road) spoke in favor.

Vote: Motion carries. Town Moderator declared a 2/3rds vote.

SECTION 5 OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2018/10 5-1 Approve Solar Power Purchase Agreement, Lease of Former Town Landfill and Structured Tax Agreement.

Town Moderator read: “ To see if the Town will authorize the Board of Selectmen to lease, for a maximum of thirty (30) years with the option to renew, upon such terms and conditions as acceptable to the Board of Selectmen, a portion of Town land formerly the Town landfill located at 500 Chebacco Road, Assessors’ Map 75, Lot 1 and further to enter into a Solar Power Purchase Agreement and to negotiate and execute a structured tax agreement pursuant to Chapter 59, Section 38H of the General Laws with Ameresco for the purposes of constructing, maintaining, and operating a solar array facility or take any action thereon or relative thereto.”

Town Moderator recognized Scott Maddern.

Scott Maddern read: “I move that the Town authorize the Board of Selectmen to lease, for a maximum of thirty (30) years with the option to renew, upon such terms and conditions as acceptable to the Board of Selectmen, a portion of Town land formerly the Town landfill located at 500 Chebacco Road, Assessors’ Map 75, Lot 1 and further enter into a Solar Power Purchase Agreement and to negotiate and execute a structured tax agreement pursuant to Chapter 59, Section 38H of the General Laws with Ameresco for the purposes of constructing, maintaining, and operating a solar array facility.”

Seconded.

Scott Maddern described the Article which allowed for the lease of the landfill.

Bill Dery (356 Chebacco Rd) asked about a right of way for the Rod and Gun Club and paving Chebacco Road from the entrance site to the Manchester line. Scott Maddern responded that the project would not interfere with the Rod and Gun Club. The paving of the road was contingent on State funds and a capital plan for paving. Neighbors were ready but the current layout of the road was not accurate and the Town was considering new water sources. Mr. Maddern said all the water came from the Ipswich Watershed and Chebacco Road was in the North Coastal Basin, which could be accessed at the same time as paving Chebacco Road.

Vote: Motion carries.

ARTICLE 2018/10 5-2 Grant Easement Former Town Landfill.

Town Moderator read: “To see if the Town will grant an easement to National Grid to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for a solar array installation at the former Town landfill, 500 Chebacco Road, Assessors’ Map 75, Lot 1, or take any action thereon or relative thereto.”

Town Moderator recognized Jeff Hubbard.

Jeff Hubbard read: “I move that the Town grant an easement to National Grid to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for a solar array installation at the former Town landfill, 500 Chebacco Road, Assessors’ Map 75, Lot 1.”

Second.

Bruce Ramsey (28 Goodhue St) asked about the size of the substation portion. Scott Maddern thought it might be 100 sf.

Vote: Motion carries.

SECTION 6: CLOSING FINANCIAL ACTIONS

ADJOURNMENT

The Moderator announced that the Annual Town Meeting was dissolved at 12:10 pm.

A TRUE COPY: ATTEST:

Andrea J. Carlson
Town Clerk

APPENDIX A

Accessory Apartments

1. Purpose and Intent

The intent of this section is to allow Apartments in owner-occupied single-family dwellings. Its purpose is to:

- 1.1. Add moderately-priced rental units to the housing stock to meet the needs of small households, both young and old;
- 1.2. Make housing units available to moderate-income households who might otherwise have difficulty finding housing in the town;
- 1.3. Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.

2. Special Permit Granting Authority

The Zoning Board of Appeals is the Special Permit Granting Authority (SPGA) under this bylaw section.

3. Procedure

Applications to the SPGA for a Special Permit must provide the following:

- 3.1. Be signed by 100% of the record title ownership interest of a single family detached dwelling and shall include a copy of the deed to the applicant. If ownership is held in other than by an individual, applicant shall submit a Schedule of Beneficiaries or other evidence of ownership satisfactory to the SPGA.
- 3.2. Include a floor plan of the Apartment, whether in the main dwelling or a detached structure such as a barn, garage, or other such building on the lot where it is to be located, and all elevations where exterior modifications are proposed. Additionally, a site plan is required to show access, parking, entry, and other essential site features. All plans shall be drawn to scale and identify the existing structure and proposed modifications to create the Apartment.
- 3.3. Include written verification by the Board of Health that the sewage disposal system shall have sufficient capacity to accommodate the Apartment within Title 5 of the State Environmental Code and the Rules and Regulations of the Board of Health.

4. Requirements

- 4.1. Modifications of the exterior of the dwelling shall be completed in a manner that maintains the appearance of the dwelling as a single-family dwelling.
- 4.2. Modifications of the exterior of the detached accessory building intended to house the Apartment shall maintain the appearance and essential character of the accessory structure.

- 4.3. The Apartment will be a complete, separate housekeeping unit that functions as a separate unit from the principal dwelling.
- 4.4. The Apartment shall contain no more than two (2) bedrooms and one (1) bathroom; and the apartment shall not exceed 900 S.F. of gross floor area of the building in which the Apartment is to be located.
- 4.5. Any new outside entrance to serve an Apartment shall be located on the side or in the rear of the building unless the SPGA deems otherwise appropriate given the layout and function of the building.
- 4.6. A landscape plan shall illustrate any new entrances, parking areas and any other added physical development which in the opinion of the SPGA deserves landscape treatment. This provision will not be used as a means to require the pre-existing property to be re-landscaped but will specially focus on the aesthetics of the new site features.
- 4.7. The Apartment shall not be held in, or transferred into separate ownership from, the principal dwelling under a condominium or cooperative form of ownership, or otherwise.
- 4.8. An Apartment shall not be used in any way for any commercial purpose or activity, regardless of other provisions of the zoning bylaw.
- 4.9. At least one (1) off street, on site, parking space must be available for exclusive use by occupants of the Apartment or their invitees.
- 4.10. In the R-1A, R-1B, and RA Districts, accessory apartments shall not be allowed in single-family dwellings located on lots that are non-confirming for lack of required lot area, unless said lot is at least 10,000 S.F. in size unless the SPGA determines that a lot smaller than 10,000 S.F. is capable of accommodating an Apartment which provides on-site, off-street parking and has confirmation from the Board of Health that the site can address its septic system demands.
- 4.11. Alterations to accommodate an Apartment shall be limited to one (1) structure on the lot. If the dwelling is located on a lot smaller than 10,000 square feet, then the alterations shall not expand the footprint or the envelope of the building, as it existed on the effective date of this bylaw section, by more than twenty-five (25) percent, or five hundred (500) S.F., whichever is less.
- 4.12. The Owner of the lot shall reside on the property in either the principal dwelling or the accessory apartment.
- 4.13. The sanitary disposal system for the Apartment and principal structure shall comply with the applicable Hamilton Board of Health and Title 5 regulations, provided that compliance of the sanitary disposal system shall not require the application of Subpart E of 310 CMR 15.00.
- 4.14. Utilities such as water, electric, oil, and gas necessary for the Apartment shall be extensions of the existing utilities serving the principal single-family dwelling. No new utility services or meters shall be installed for the use of the Apartment.
- 4.15. The Special Permit shall be issued to the Owner and shall specify which dwelling unit will be Owner-occupied.
- 4.16. The Special Permit shall be recorded at the Registry of Deeds or registered at the local Registry division of the Land Court. Prior to the issuance of a building permit, the applicant must submit proof of the recording or registration of the Special Permit to the Building Inspector and the Director of Planning and Inspections.
- 4.17. When a structure which has received a Permit for an Apartment is sold, the new Owner, if he or she wishes to continue to exercise the Permit, must within thirty (30) day of the sale, submit a sworn and notarized written statement to the Building Inspector stating that he or she will occupy either the principal dwelling or the Apartment on the premises as their primary year-round residence.
- 4.18. No more than one (1) Apartment shall be allowed on any lot.

4.19. The creation of an Apartment within a principal single-family residence must be done so that the Apartment either shares a common floor-ceiling assembly with the principal dwelling or a common wall connector as defined in Section 11.0 of this zoning bylaw.

4.20. Violation of any of the above provisions shall be subject to enforcement by the Building Inspector in accordance with the applicable provisions of Section 10.00 Administration and Enforcement of the zoning bylaw.

5. Termination

The Special Permit shall terminate immediately upon any of the following events:

5.1. Two Years from the date of the grant of the Special Permit, if a substantial use thereof has not commenced, or in the case of a permit for construction. If construction has not commenced within one year from the date of the grant of the Special Permit.

5.2. Violation of any term or condition of the Special Permit that the Owner fails to cure within two weeks' written notice mailed by certified mail, return receipt requested.

DEFINITIONS –

Apartment: An additional dwelling unit, subordinate in size and accessory to the principal dwelling unit on the lot, located in either the principal dwelling or an accessory structure on the lot. An Apartment is constructed so as to maintain the appearance and essential character of the single family dwelling or accessory structure to which it is added.

Owner: The individuals in whom record title ownership is held. If ownership is held in a trust or other non-individual ownership, the beneficiaries as shown on a Schedule of Beneficiaries or other evidence of ownership.

APPENDIX B

9.3 ~~CONSERVANCY DISTRICT.~~

~~9.3.1 Purpose.~~ The Conservancy District is intended for the following purposes:

- ~~1. The preservation and maintenance of groundwater quality and quantity;~~
- ~~2. The protection of watershed resources upon which the inhabitants depend for water supply;~~
- ~~3. For the enhancement of water quality by encouraging infiltration and percolation through natural soils;~~
- ~~4. To protect the public health and safety, persons and property against hazards of flood water inundation;~~
- ~~5. For the protection of the community against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along watercourses, or in areas subject to floods;~~
- ~~6. To preserve and increase the amenities of the Town; and~~
- ~~7. To conserve natural conditions, wild life, and open spaces for the education, recreation and general welfare of the public.~~

~~9.3.2 Permitted Uses.~~ Only the following uses are permitted in the Conservancy District (Note: Construction or alteration in Conservancy District will usually also require application to the Hamilton Conservation Commission under the Wetlands Protection Act and the Hamilton Wetlands By-law):

- ~~1. Conservation of water, plants, wildlife, and ponds;~~
- ~~2. Passive recreation activities which do not require paving, filling, or construction of facilities that may degrade water quality, including but not limited to nature study, walking, pond skating, canoeing, fishing, horseback riding, and hunting where otherwise legally permitted;~~
- ~~3. Agricultural uses, forestry, horticulture and floriculture including grazing of animals and harvesting of crops, provided that use of chemical fertilizers, pesticides or defoliants found by the Board of Health or the Conservation Commission to be inconsistent with the purposes of~~

this Conservancy District may be regulated by said Boards. (Note: See also Board of Health Animal Regulations); and

- ~~4. Religious and educational uses on land owned or leased by the Commonwealth of Massachusetts, or its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation. (Note: Site Plan Review may be required. See Section 10.6.).~~

(Note: Construction or alteration in Conservancy District will usually also require application to the Hamilton Conservation Commission under the Wetlands Protection Act and the Hamilton Wetlands By-law.)

9.3.3 Special Permit. Subject to a special permit by the Zoning Board of Appeals under specified conditions as provided for in Section 10.5, and only when the Conservation Commission has reported to the Zoning Board of Appeals that such activities will not have adverse effects relating to water quality or recharge, upstream or downstream flooding and drainage, and water storage capacity in the Conservancy District, the following uses are permitted:

- ~~1. Nonresidential Buildings and Structures, such as boathouses, duckwalks and landings;~~
- ~~2. Stands for sale of produce raised on the premises, provided that any such Building or Structure permitted by the Zoning Board of Appeals shall be designed, placed and constructed to offer minimum obstruction to the flow of water and shall be firmly anchored to prevent floating away and thus threatening other buildings or blocking of openings in restricted sections of the watercourse below (Note: Special permit and site plan review required per Sections 10.5 and 10.6.);~~
- ~~3. Dams, changes in watercourses, or drainage works, only as part of an over all drainage basin plan;~~
- ~~4. Uses, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production provided the Zoning Board of Appeals finds that the proposed use does not substantially derogate from the public good, and that the proposed use does not include impermeable ground cover in excess of 10% of the total lot area, or any storage of chemical substances which have the potential for degrading groundwater quality. (Site plan review under Section 10.6);~~
- ~~5. Wind Energy Facilities and Utility Scale Wind Energy Facilities, subject to the standards set forth in Section 7.3; and~~
- ~~6. When any land shown on the Zoning Map as being in the Conservancy District is proven to the satisfaction of the Zoning Board of Appeals, after reference of the proof to and report by the Conservation Commission, Planning Board and Board of Health, as being in fact not subject to flooding or not unsuitable because of drainage conditions for residential use, and that neither construction activities nor the use of such land for residence will interfere with the general~~

~~purposes for which Conservancy Districts have been established, and will not be detrimental to the public health, safety or welfare, the Zoning Board of Appeals may, by grant of a special permit, permit the use of such land for Single Family Dwellings under all the provisions of this By-law applying to the Residence District in which the land lies.~~

9.3.4 Prohibited Uses. ~~Except as provided, above, the following are prohibited in the Conservancy District:~~

- ~~1. Land filling and dumping of any natural or other materials;~~
- ~~2. Construction of Buildings or Structures;~~
- ~~3. Paving and other impermeable surfaces;~~
- ~~4. Construction of roads and driveways;~~
- ~~5. Permanent storage of materials or equipment;~~
- ~~6. Storage of chemical substances which may degrade water quality;~~
- ~~7. Commercial borrow operations;~~
- ~~8. Construction of dams, drainage systems and changes in watercourses which may speed drainage through or around a natural watershed, thereby reducing opportunities for water quality renovation by percolation or infiltration through soils; and~~
- ~~9. Alteration of terrain which may result in increased discharge of stormwater runoff into the District.~~

9.3.5 Reversion. ~~If for any reason the restrictions or requirements contained in this Section shall be or become invalid as to any land shown on the Zoning Map as being in the Conservancy District, then such land shall thereafter be subject to the regulation for the district in which the land lies.~~