

**TOWN OF HAMILTON
BOARD OF SELECTMEN
APRIL 22, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 22, 2013 with David Neill, Marc Johnson, Jennifer Scuteri, Jeff Hubbard and Scott Maddern present. Town Manager Michael Lombardo, Finance and Advisory Committee Chair John McWane, Planning Board members Peter Clark and Rick Mitchell, and Zoning Board of Appeals Chair Bill Bowler also present.

Call to order

Chair David Neill called the meeting to order at 7:00 p.m. and acknowledged the tragedy of the Boston Marathon bombing.

New Board of Selectmen – Selection of Officers, Goals & Objectives

Neill and Jeff Hubbard welcomed Scott Maddern as new member to the Board. Neill then entertained nominations for Board officers. Jennifer Scuteri nominated Marc Johnson for Chair. Maddern seconded the nomination. VOTE: Unanimous. Scuteri nominated Jeff Hubbard for Vice Chair. Johnson seconded nomination. VOTE: Unanimous. Scuteri nominated Scott Maddern for Clerk. Neill seconded nomination. VOTE: Unanimous.

Discussion ensued about how the Board's goals and objectives would be moved to the end of the agenda and that they would be addressed more fully during a Selectmen's retreat. Scuteri so moved. Johnson seconded the motion. VOTE: Unanimous.

Public Comment

Bob Gray, Housing Authority member, spoke to Governor's legislation to abolish local housing authorities and asked the Board to consider writing to the Governor and join State Representative Brad Hill and Senator Bruce Tarr opposing the legislation. He provided the Board with information about another proposal on the matter. Gray said the Governor's proposal includes cost savings but he stated that if there is state oversight then the local Housing Authority tenants would have difficulty resolving issues.

Town Manager's report

Town Manager Michael Lombardo mentioned that Town had received permitting approval from DEP to cap landfill and thanked Hill for his role in moving this forward. He explained that as a result a presentation by CDM/Smith on the proposed anaerobic digester at the landfill will be given to Town boards during a meeting at the end of April or in May.

Lombardo referred to draft audit and noted this would be discussed with Finance Committee next week with a later presentation to Board.

Housing Authority Director Leigh Keyser introduce Scott Trenti, new director of SeniorCare, who described the mission of the organization to assist with homecare for Essex County elderly and disabled residents (60 and over) and that one of the organization's services was the Meals on Wheels program.

Trenti explained that state and federal funding is used by SeniorCare which has a new office at the Cummings Center in Beverly, to provide nurses and case managers (i.e., five are assigned to Hamilton) to help the target demographic make informed decisions about homecare and nursing home facilities.

Lombardo also mentioned the hours that compost would be available to Hamilton and Wenham residents at the Wenham DPW yard from Monday through Friday 7:30 a.m. until 4:30 p.m. and the first Saturday of every month. Compost was made available to residents for free last year at Patton Park as part of organic recycling program but there had been difficulty with contractors accessing the material. Discussion ensued where Selectmen cited interest in more accessible hours for residents to pick up the compost. Lombardo will follow up.

Also discussed by the Board as initiated by Hubbard was possibility of alternative uses at the landfill to the proposed anaerobic digester (i.e., hockey rink). Lombardo explained that there had been slim responses to Town's request for proposals in the past for the landfill site but a solar field component is being considered in addition to the anaerobic digester.

Also mentioned was that investigation had been done for other options such as a wind farm but wind study revealed that the landfill site would only be marginal for that purpose. Discussion ensued about future for gun clubs at the site once capping material is placed at landfill. Lombardo noted that there would fill in the current Marsh Rats' club location so that club will no longer be using the landfill

facility after April. He added that access to the site after the final engineered design is completed would determine if the Hamilton Rod and Gun Club could continue operating at the landfill site. Hubbard suggested that this item should be discussed further at a future Board meeting.

Chairman/Selectmen reports

Scuteri said she had worked with Joanne Patton, former owner of Patton property, to determine how to have a "soft opening" of Patton homestead on May 25 by limiting invitation for tours of the homestead to Council on Aging and veterans. Since there is limited parking at the site, carpooling and senior van will be used.

Hubbard mentioned that Pool Committee and Recreation Director Sean Timmons are ready to present their assessment of what should be done in Town regarding the Patton Park pool to Joint Hamilton Wenham Recreation Board and Selectmen in Hamilton and Wenham. Also mentioned was ECTA event that includes running, biking, paddling and horseback riding on June 1st at 10:30 a.m.

Consent Agenda

Johnson read the details about the items in the Consent Agenda:

- **Appointments:**
 - Wenham Resident Pat Purdy to the **Hamilton-Wenham Library Board of Trustees** to fill the at-large Trustee position vacated by Jean Buckley. The term will run until the next election in April 2014.
 - Steve Ozahowski to **Joint Hamilton Wenham Recreation Board** to fill Jay Butler's term, which expires June 30, 2014.
 - **One Day Liquor License** – AmVets Post 201 of Ipswich, MA at Bradley Palmer State Park (with permission of DCR Permit #2013-0076). An officer from the DEP Police will be on duty at a family picnic 11-4 p.m. Saturday, July 20th (rain date July 21st). License will be valid from 12 p.m. until 4 p.m.
 - **Approval of Minutes** – April 1 and April 13, 2013 Regular Session

There were no holds on any items. Maddern said he would not participate in minutes vote since he was not present at those meetings. Neill mentioned that Jean Buckley would be missed.

Johnson entertained a motion for the Board to approve the Consent Agenda items. Neill so moved. Hubbard seconded motion. VOTE: Unanimous with Maddern not voting on the minutes.

Update on Pirie Property

Maddern updated Board on progress Pirie Property working group is making to assess whether or not the Town should consider acting on its right of first refusal to buy the property. He mentioned that the consensus is to go forward and focus on the benefits to the Town including revenue generation, housing options and protection of open space. Maddern said there would be more community outreach before a Special Town Meeting in June. He added that research would be done to find answers to outstanding questions.

Discussion ensued with Johnson and Scuteri explaining details of Chapter 61A land and related reduced tax assessment and right of first refusal when the property is up for sale and will not continue to have a chapter land agricultural use. The Pirie property has been in chapter land since 1974 so the owner has had relief from higher property taxes for 40 years but has paid approximately \$75,000 in property taxes annually. Johnson outlined the 120 day timeframe that the Town has to determine if it will act on the right of first refusal.

Also addressed was the Town's Housing Production plan and by-laws to create housing relative to this case and the Town's objectives for housing, recreation and revenue at the site. Johnson referred Board to idea of cottage housing at the site with units approximately 1,600 square feet in size that could be located on two, seven acre parcels in the 80-plus acre site in the central core that would not change the streetscape. He described how this type of development would also preserve the land.

Johnson mentioned that the working group was not ready to advocate for any one use at the land since no designs had been locked in. Maddern concurred noting that any proposed designs would have to be viewed by people from other Town boards (i.e., Planning Board and Zoning Board of Appeals). Johnson and Lombardo said that information for a Selectmen vote on the matter on whether or not to move this to Town Meeting would occur no later than May 17th and the working group would remain involved in the process.

Scuteri compared the possibilities for the Pirie property if the Town chose to act on its right of first refusal to Wenham's Boulders housing development and how

that is generating \$300,000 for the municipality with relatively little cost to the town due to its being a 55-year-old plus housing complex.

Johnson stated that one of the most sincere objectives of the Pirie property working group is consideration for more moderately priced housing and there have been discussions with developers. He noted that the Town would be hard pressed to support a housing complex such as the Boulders when lower price point housing would meet the housing objectives in Hamilton.

FinCom Chair John McWane noted that the proposed housing could take 32 cents per \$1,000 off of the tax rate or \$150 annually off of the property tax bill for a median priced home. Scuteri suggested this could be a real opportunity for the Town and thanked the Piries for the chance to view it.

Discussion ensued about components of financial model relative to zoning that have to be clarified and that if the proposed subdivision goes forward as planned with the existing interested buyer the net property tax revenue could range from \$165,000 to \$230,000 in property taxes. Johnson offered to clarify details on his financial spreadsheet for Board.

Hubbard said this is a financial matter relative to the benefits for community including senior housing, starter and affordable housing, options for people to downsize and suggested this could be done with property taxes rather than the Town purchasing the Pirie property for development other than what is currently proposed with existing interested buyer. In response to Scuteri, Hubbard said property taxes could be leveled off by outsourcing and looking at Town departments. He added the importance of a turf field and that according to ECTA the equestrian trails would remain at the Pirie site. Hubbard said access to Miles River is from Bridge Street and Miles River Road.

Johnson suggested Hubbard explain his points to the Board in detail after reviewing the financial model information. He added that this opportunity goes beyond financial and is a chance for the Town to provide affordable housing to residents as well as teachers and public employees.

Discussion ensued with Neill about current developer's offer of \$3.9 million for the Pirie property. Johnson explained that his spreadsheet reflects the Assessors best guess for new construction in Town for the proposed eight estimated \$2 million houses. Neill said there would still be a net gain for the Town in property taxes relative to service expenses provided by Hamilton. Discussion addressed

how Town officials have to be very clear with voters about the net benefits plus money expected for Hamilton if the Town decides to act on its right of first refusal and purchase the property. Johnson noted that Town would not have a contract with a developer when it goes to Special Town Meeting since it would not own the land at that time. So the RFP process would have to be worked out afterwards. In addition, the risk in numbers involving potential school children associated with the development are unknown at this point.

Discussion ensued about comparison with Boulders on the Pirie property and how much land that would be required to respect land and keep development out of open space. Scuteri said the intent is to keep the development marketable and suggested that the Town could encourage existing potential buyer/developer to consider the cottage and affordable housing option to address the concerns of the Town related to revenue and housing options.

John Pirie, abutter and son of Pirie property landowner and 50 year Hamilton resident, said he had no financial agenda but wanted to preserve land that his family had conserved for 54 years under Chapter 61A. Pirie acknowledged that the working committee had been working hard and he referred to 17 fatal flaws they had recognized that could impact the Town's plan including: traffic concerns, if 61A would allow the land use, if people would support the plan, if there were title flaws, whether the front parcels are a factor in adequate frontage requirement for subdivision, whether soils would pass, any zoning issues, historic district and 40' right of way restricting access, no time to react in comprehensive manner, two-thirds vote could fail at Town Meeting, could be no market for development, not enough payback to support it, not enough margin of profit for Town, may not support legal review, and engineering and water situation could be significant as well as septic process.

Pirie noted that the flaws have been analyzed and that he thought there has been a lack of expert advice. Specifically traffic study commissioned by Town where he suggested Town officials have overlooked implications of data. He summarized the increased traffic from as many as 50 cars leaving the site for the morning commute and he said that the Town's police department is concerned about highway safety and traffic. Also mentioned was that the existing road to the property would be inadequate to service the scale of subdivision.

In addition, Pirie noted that his parents had significant difficulty testing the property for soil percolation. He mentioned the impact of beaver activity and rising water in Miles River, and need for water to supply the subdivision. Also,

that there could be as much as \$1.7 million in education costs for the number of children that could live at the site.

Pirie also discussed his view that there is not a housing market for the project based on Boulders and Penguin Hall (proposed) projects in Wenham. He also referred to carrying costs with two year loss of taxable income and expenses associated with maintenance, public safety and possible litigation from abutters. Pirie said he rather pay a higher tax rate than have the property be changed from the feel of a horse farm. Discussion ensued about whether or not there is currently public access to the site other than by riding a horse on the equestrian trails.

Jeff Scuteri, 179 Essex Street, spoke to Town investigating the right of first refusal and his family's need to downsize to a smaller property relative to the government intervention to consider cottage development for Pirie property. He also addressed how the proposal being considered could positively impact the tax rate.

Peter Clark, Planning Board Chair, noted that there have been expressions of interest in the property by multiple developers, and mentioned the amount of protected land and open space with public access. Johnson addressed the consideration for two sides of cottage style development with 40 to 48 units total on two, seven-acre parcels that would be located on the tree lines and cemetery ridge. He added that there could be apartments in the antique horse stables, and cemetery expanded by two acres. Also, playing fields could be located on the site and neighborhood could use greenhouse as a community resource. In addition, there could be uses for one of the stables. There would be about 60 acres of open space remaining after loop roads are installed. Discussion ensued about whether or not CPA funds would be used to purchase open space or land for recreation. Scuteri noted that the Town officials are exploring the risk and possibilities involved with the great opportunity for Hamilton involving this property.

Attorney Donald Greenough representing landowner Deidre Pirie spoke about Mrs. Pirie's dismay with changes in Chapter 61A relative to conversion and development of agricultural land. He referred to municipalities not being land developers and how Town counsel has said there are no restrictions for Hamilton to develop the land. Greenough mentioned that towns are not good developers and noted that Mrs. Pirie would be paying \$78,000 in property taxes this year. He commented that other residents in Town who had their property in Chapter 61A would find the Town's analysis to convert the property away from

an agricultural use to possibly playing fields as unbelievable. Greenough noted that litigation could be expected for the Town relative to Chapter 61A and time factor associated with it.

Johnson explained that the intent of the discussion was for people to express their views not debate the facts. David Carey, 8 Arabian Way, said he could not speak to the economics or regulations but reported on cottage development he had visited in Concord and the community feel and integration by abutter of that site. Bill Bowler, working group member, said he was initially skeptical and thought a zoning change would be a deal breaker but he noted that a lot of analysis has been done, a number of developers have expressed significant interest and he thought that the Town should consider exercising its option since it could be beneficial for Hamilton.

Johnson mentioned that discussions have occurred with developers of senior housing communities to understand selling price points, features and benefits, if financing would be used, what land costs have been, and infrastructure for a RFP. In addition there were discussions with North Shore realtors to identify price points and housing needs all part of developing models. Scuteri noted that Johnson has historically used conservative numbers.

Attorney Jim Kroesser speaking for his client the hopeful buyer for the Pirie property has filed a letter with Johnson and Lombardo outlining his client's view of this process. He suggested that this letter and other documents associated with the working group should be made public and noted the risk factor involved.

Scuteri noted that there is a profit for Kroesser's client and asked if that buyer would be willing to compromise on what development would occur at the site. Kroesser said his client plans to move forward with the original plan for eight lot subdivision. Discussion ensued about Boulders property and how the Dodge property was assigned by the Town of Wenham to Land Trust where Town of Wenham did not purchase the land and develop it. Kroesser noted the risk for the Town until a developer has purchased and developed the land.

Johnson and Maddern said moving forward there would be more vetting by the Town boards and further discussions to work towards a working group recommendation for the Town. Neill asked Town counsel to further investigate Chapter 61A and outline what risks would the Town take on if it purchased the Pirie property. Lombardo said this meeting was to provide an update and that Town counsel would be involved in public hearings when the working group

makes a formal recommendation. Scuteri suggested the Town officials understand who the abutters are to understand their concerns. Discussion ensued about the two houses in front of the Pirie property that are not part of the right of first refusal and beyond the Pirie property is land owned by Kevin Bottomley and ECGA with five or six abutters beyond the river and across the street on Bay Road. Johnson said the working group will work towards finding outstanding answers and is meeting on Thursday at 8:00 a.m. at public safety building training room.

Hubbard thanked working group for taking an open-minded look at the right of first refusal. He referred to his constituency that he said he represents and apologized to the Piries for not talking to them sooner relative to the right of first refusal. Hubbard said this process is scaring developers away from Hamilton. Johnson and Scuteri disagreed and said this is a legal process and Town has to stay within specified timeframe in enacting its right of first refusal. Hubbard said he thought the government's role was to act like a broker.

Goals and Objectives

Discussion ensued about how the Board would schedule a retreat to address goals and objectives including policy and bringing in revenue, and analysis about why property taxes are so high to reach agreement amongst Selectmen. Johnson suggested benchmarking be used with cohort and competing communities (i.e., expenses, departments and salaries). Scuteri mentioned that services that residents want could be analyzed relative to expenses. The Selectmen scheduled a retreat for Friday, April 26 from 3:00 to 5:00 p.m. to discuss the Board's goals and objectives.

Discussion addressed Board reorganization regarding liaison roles. The Board provided specifics to Lombardo for his record of liaison roles for each member. Maddern and Hubbard both had an interest in serving as liaisons to Joint Recreation Board. Town officials agreed that a determination should be reached regarding future role of Capital Management Advisory Committee. Lombardo recommended that board and committee appointments that would be done soon by the Board be analyzed to see if all should be implemented and if some committee members may not want to be automatically reappointed.

Also discussed was whether or not to release the preliminary models for the Pirie property developed by the working group. Lombardo recommended that once

the working group is ready to make a recommendation is the time to release documents to the public.

New Business

The Board agreed to conduct the Town manager's evaluation on May 6th. Maddern would not have a role in that but former Selectman Jeff Stinson is providing the Board with compiled Selectmen comments for the evaluation. The Board will meet again on April 29 for a regular meeting. Also, that Scuteri and Hubbard are meeting with Gordon Conwell Theological Seminary on Friday. Hubbard thanked Neill for his role serving as Board chair.

Johnson entertained a motion for the Board of Selectmen to adjourn at 9:36 p.m. Neill so moved. Scuteri seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: 
Clerk