

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

February 21, 2017

Members Present: Shawn Farrell, Allison Jenkins, Jeff Hubbard, Scott Maddern (Chairman), and Bill Wilson.

Town Manager:

Affordable Housing Trust Members: Peter Britton (Chairman), Marc Johnson, Russ Tanzer, and Bill Wilson (Selectmen liaison).

This meeting was called to order at 7:03 pm

Announcements

Scott Maddern described the current Board openings: Planning Board two Associate Members and one CPC member at large member. The Recreation Department would hold a pool information night on March 2, 2017. The Citizens' Fire Academy would start March 30, 2017 and would meet on Thursday nights until May 18, 2017. Volunteers were needed for the Town Hall Building Committee.

Public Comment

Selectmen/Town Manager Reports

Shawn Farrell recalled that the CPC had met to discuss grants that were deemed eligible. All except one went forward. The Hamilton Horseshoe Club project was deferred. Other projects included \$400,000 for the Hamilton Housing Trust, the Buker School playground for \$25,000, Pingree Park playground for \$20,000. Outstanding grants were discussed. According to Mr. Farrell, the Planning Board met and talked about 227 Willow St., which would move to Zoning Board for appeal. The Planning Board offered unanimous support for Richard Boroff as a new member. The Conservation Commission reviewed two septic systems with negative determinations being rendered as well as the Sagamore Conservation Restriction document. The Patton Ridge Development had encroached onto conservation land and part of the drainage easement as well as perimeter drains went into the open space land. Alan Berry would cut the drainage pipe at the property line. The developer at Patton Ridge made the lawns larger than they should be and the solution was to stop mowing into the open space and place property markers on the property line.

Bill Wilson said the School Committee approved the FY18 budget of \$31.4M, a 1.3% increase for Hamilton. The Hamilton assessment was reduced by \$93,000. The three year operating plan and five year capital plan were discussed. The Turf field (\$9M), the high school roof (\$3M), and library renovations were all part of the (\$18M) five year plan. The OPEB trust fund was also discussed. A Citizens' petition hosted by Jack Lawrence and Bill Shields was proposed to

expand the school's land by buying Longmeadow. Mr. Wilson recalled the Gale study indicated that the fields were constrained by property lines and that maybe multiple fields would allow for the spread of use. The land would also be appropriate for a new school location. The Housing Trust met without a quorum and discussed 59 Willow and the potential for 20 units. Another Citizens' Petition for affordable housing at the Patton homestead had been announced.

Scott Maddern had heard from Brad Hill who wanted to give a legislative update with Bruce Tarr. Hamilton's Host Agreement would be used as an example of how a town could articulate their local need. Mr. Maddern had met with a Bridge St. culvert neighbor to discuss the delay in the project. Budget workshops with the FinCom would be on March 4 and 11, 2017. Mr. Maddern intended on meeting with Chebacco Road neighbors who had requested paving of the road. The Patton Homestead RFP was mentioned and the petition for an Enterprise Fund was discussed for revenue flows for the property.

Land use and Planning Board work were reviewed by Patrick Reffett. Mr. Reffett noted the turnover in the Board and how it affected the work for future By-law changes. The Health Agent's hours would be increased by four hours each week to review Title V submittals. A Nuisance By-law was discussed. The cell tower at 434 Asbury St. was in the design stage with construction to commence this summer. The RFP for wireless cell providers had produced an approved candidate who would submit one or two projects to the Planning Board in March. One site would be at Town Hall. Patton Management RFP responses were due in March. Mr. Reffett described the affordable housing situation as one that was currently at 3% with 218 units additional required to meet the State threshold. Affordable housing would be spread throughout the town. Rob Brennan also signed a Host Community Agreement and Russ Stevens would sign it upon his return.

Scott Maddern suggested that the Planning Board, as a separately elected board, consider creating liaisons to other Boards. Patrick Reffett agreed that it was valuable to have a collective understanding of Board "liaisonship." A \$667,000 (50/50) grant application to the Mass Cultural Council had been applied for to focus on upgrades to the Patton Homestead residence. A consultant had estimated there was \$1M of work needed immediately with more needed over time. The work would be partly funded by CPA and the sale of the property, according to Mr. Reffett. Allison Jenkins asked about recreational marijuana law to which Mr. Reffett responded that it was on the list for April.

Consent Agenda

Approve the appointment of Richard Boroff to the Planning Board

Approve the appointment of Mark Unger as the Electrical Inspector

Approve January 26, 2017 minutes with Finance Committee and HW School Committee.

One Day Liquor License requested by Gourmet Delights for March 18, 2017 at 284 Bay Road.

Motion made by Bill Wilson to approve the Consent Agenda.

Seconded by Allison Jenkins.

Allison Jenkins asked about the By-laws regarding appointments without understanding or interviewing the candidates. Bill Wilson said the Board of Selectmen considered the recommendations of the Boards. While Mr. Boroff was moving from an Associate Member to a full member, Ms. Jenkins wondered about the appointment of the Electrical Inspector. Scott Maddern responded that he was recommended by the Planning Director. Ms. Jenkins wanted to rewrite the By-laws because she didn't understand the process. Donna Brewer explained that the Planning Board was set by statute to fill the appointment with the Board of Selectmen and the Planning Board agreeing on the appointee. Other appointments were set by the Town Manager Acts. Ms. Jenkins said she had a problem with process and wondered why the Board would approve someone when they had not been involved with the process. Ms. Jenkins said the Board had not even seen a resume. Ms. Jenkins said she was not against the candidates, but the process. Shawn Farrell suggested submitting a resume with the appointment. Bill Wilson agreed with the process and would like to look at resumes being part of the requirement.

Allison Jenkins asked about time allotments for deliveries before and after functions rather than just the time of the function. Donna Brewer didn't remember the window provided for delivering of liquors so the statute had limits to what was included. Ms. Jenkins asked if the Board could extend the timeframe to which Ms. Brewer responded yes.

Second to approve the extension of time an hour on each end made by Bill Wilson.

Vote: Unanimous to approve the motion as amended.

Agenda

Harborlight Community Partners interim update on possible affordable housing locations (Longmeadow Way, 13 Essex St. and Gordon Conwell).

Peter Britton opened the Affordable Housing Trust joint meeting.

Russ Tanzer seconded.

Vote: Unanimous to open the meeting.

Andrew DeFranza reviewed three sites, Longmeadow, 13 Essex St., and Gordon Conwell, noting that the Town needed 200 units to achieve the 10% threshold. The Town was currently at 3%. The Housing Production Plan helped to create safe harbor to resist a hostile 40B. Mr. DeFranza made assumptions about each site including heights, buffer lines, wetlands, Board of Health, ComCom, management of lighting, and commitments to local preference. Drainage septic and traffic studies would still need to be done.

Longmeadow Way was comprised of three lots owned by Mr. Farnham and Mr. Miller, according to Andrew DeFranza. Four to five acres were wet. Mr. DeFranza stated that he did not have site control of the Farnham piece any more but did have control of back 16 acres. Positive attributes included that the property was for sale, site control was established, soil

testing was positive, and the property was close to the high school which creat job but traffic. A Planning Board document established that there would be no further subdivision, which was a factor to consider. The site could handle mixed aged units. According to Mr. DeFranza, the Senior Housing By-law would need to deal with issue of subdivision with the Planning Board document, but a 40B development would have no problem. There would be a high likelihood of appeal. There would be 108 units in three phases, with 24 family units, another 24 units, and finally 60 senior units. The project had already been voted against by the Affordable Housing Trust and the Board of Selectmen. Harborlight would not build a small development on the front four acres because of the appeal potential. The other alternative would be to build 40 units of family and 40 senior units on the 11 acres out back. School use for the land was considered which would change the equation. Mr. DeFranza considered the 1.9 miles from Crosbies as a test of smart growth principals and noted the primary challenge was traffic. Mr. DeFranza wanted emergency access to the rear of the property. Visually, the project would not create an impact from 1A, but would impact neighbors on Ortins Road. Mr. DeFranza proposed heavy screening, but noted that the probability of an appeal was high.

Andrew DeFranza described the 13 Essex St. site, half of which was under a Conservation Restriction. The dominant concerns were wetlands, natural heritage designation, and vernal pools. The 32 acre site was for sale and had environment preservation opportunities, public access potential, and the ability to construct many units. Challenges included the natural heritage distinction, driveway, and proximity of neighbors. The property was an Olmstead design site. Natural heritage would need involvement. Mr. DeFranza said the development would preserve most of the landscape and native trees. The driveway would be moved with an increased buffer. The proposal would maintain wildlife access to Myopia. The proposal would create 40 units of Senior Housing in the main house by adding two wings. The proposal would be kept away from neighbors and create mixed housing on the Wenham line. There would be 42 units of family housing in four pods with eight units each. The project would be 1.8 miles to Crosbies. Natural Heritage would be an extra filing with MESA. Appeal probability was high.

Gordon Conwell Seminary Campus was a 13 acre parcel yet to be defined. The land was determined to be available for sale after Andrew DeFranza had spoken with the College. There would be screening and only a few neighbors. There was enough frontage to comply with existing regulations. Of the three parcels, this one would create opportunities for years of production. The slope was difficult. One constraint was that the parcel was in a Zone II area which would constrain septic. The well which created the Zone II was no longer in use. The \$1.6M cost made it the most affordable site per unit. The parcel was 1.7 miles to Crosbies. The Zone II designation would limit the site to 70 bedrooms for septic calculations which would constrain the developer to 50 units. There would likely be an appeal, but the certainty was not as clear as the other two site.

Peter Britton explained the process that yielded the preceding three. Andrew DeFranza said if the AHT and Board of Selectmen had a preference, that would determine which site would be

considered. They are all technically possible. The timeframe included the PEL request with the State (6 months), permit application filed with the Town ZBA (6 months), and if the permit was granted but appealed, it could take two to three years, but would create a one year safe harbor status. If the ZBA denied the project, Harborlight would appeal, but the process would be faster.

Bill Wilson recalled voting no to the 108 Longmeadow proposal and wondered how to implement smaller 40 unit clusters. Andrew DeFranza responded that having smaller clusters would depend on finding smaller, more affordable sites that would be available. 40 units with no appeal would be fine, according to Mr. DeFranza, but with an appeal it would be a “no go.”

Scott Maddern asked who would live in the developments to which Andrew DeFranza responded that half of the people living in the Senior Housing would be from within 10 miles while working families would have an income limit of \$59,000 per year for a family of four.

Peter Britton inquired about a 40R District to which Andrew DeFranza responded that it was a parallel path with an affordability requirement and by right allowance with a density minimum requirement of 20 units per acre. Mr. DeFranza thought it would be uncomfortable in Hamilton. While 40R did not allow for appeals and cost money for its creation, 40S money was available for accessibility and costs of children in school.

Robin Davis (Lois St.) spoke about the process. Page Fleming (33 Essex St.) thought there was a conflict of interest with the AHT who were acting in self interest. Ms. Fleming stated that Mr. Johnson should have recused himself as an abutter and the Doug Trees’ plan was never allowed to be seen. Marc Johnson responded that he disclosed his proximity to the proposal. Rudy Pizzano (Essex St.) stated it was not immoral to defend the character of your neighborhood and suggested looking at smaller parcels which would limit the chance of appeal. Scott Maddern suggested new basket entries that were smaller.

Doug Trees (Bay Road.) suggested decommission of the School St. well. The Gordon Conwell property was the cheapest but was limited by the well. The impact of the apartments would not impact the community. Age restricted housing belonged downtown on town controlled land gifted to the developer so the money would go into building better units. When considering family housing, Mr. Trees said that Harborlight only built housing for under 60% of the average income. The Town currently required 75% being market rate and 25% being affordable but that was not what Harborlight built. Andrew DeFranza agreed that that was not their mission.

Doug Trees said school costs were also an issue. The AHT and the Board of Selectmen should understand how the school costs would increase causing immediate overrides to the Town. Mr. Trees thought it was unfortunate that the Town agreed to produce 14 units per year and therefore were over the barrel, but needed to get age restricted and family housing forward. Mr. Trees urged Harborlight and the Board to find something at the Gordon Conwell site. Even though Andrew DeFranza did not have the leverage, the Board of Selectmen had the leverage to arrange

a PILOT. Andrew DeFranza responded that timing should consider parallel tracks with one senior and one family housing proposal because the PEL on senior housing alone would be difficult. Mr. DeFranza said Doug Trees was correct on percentages as housing below 60% of medium was being proposed due to funding. If a rental development of 75/25 were constructed, all units would count toward the threshold, but if the development was under ownership, all units would not count. The 75/25 development would be cross subsidized as the market rate housing was strong enough that the developer could use the funds to subsidize the lower rentals.

Brad Haley (80 Bridge St.) said he had not been contacted by Harborlight even though he abutted two potential properties on Kinsman Ln. and Bay Road. All locations were noted as being in the same part of town and people were agitated because the members of the Board were abutters. It was announced that Gordon Conwell would be appealed. It was suggested to use Town owned properties to add to the basket.

Mary Cookson (80 Essex St.) asked about site control to which Andrew DeFranza responded that there needed to be a legally binding agreement to determine what happened to a property to file a PEL.

Peter Britton moved to adjourn the Affordable Housing Trust at 9:41.

Russ Tanzer seconded.

Unanimous to adjourn.

Discuss and vote on potential ATM Warrant Articles

The draft Warrant and four citizens' petitions were included. Scott Maddern noted the CPC articles which might need to be separated. Donna Brewer suggested having a hold on specific items, if necessary. A resident would call hold, then the Selectmen would go back to the one article. The Board of Selectmen discussed a moratorium on marijuana. Donna Brewer said the Town of Reading was putting in a ban and suggested that the Board put a place for a marijuana moratorium and see if the ban passes in the Town of Reading. Rescinding the waste enterprise fund must be a warrant article.

Motion made by Bill Wilson to include in the Warrant all the matters listed in the draft of 2/21/17 and the marijuana moratorium as 3-1 as well as the citizens petition as 5-1.

Seconded by Allison Jenkins.

Vote: Unanimous to approve.

Close Annual Town Meeting Warrant.

Motion made by Shawn Farrell to close the Warrant Hearing.

Bill Wilson seconded.

Vote: Unanimous to close the Warrant Hearing.

Change in Polling Location.

