

## HAMILTON BOARD OF SELECTMEN

### MINUTES OF MEETING

March 6, 2017

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

This meeting was called to order at 7:01 pm

#### **Announcements**

Scott Maddern described the current Board openings: Planning Board two Associate Members and one Community Preservation Committee (CPC) member at large member. Volunteers were needed for the Town Hall Building Committee. Mr. Maddern offered a reminder to register to vote by March 10, 2017 to qualify for the Annual Town Meeting and Annual Town Election.

#### **Public Comment**

The League of Women Voters would be hosting a Civics Bee on March 15, 2017 at the high school. On May 2, 2017, Eric Loo, an author and professor would present his speech, Power and Citizenship in our Community. There was support from the Cultural Council and Salem Five.

#### **Selectmen/Town Manager Reports**

Shawn Farrell said the Planning Board talked about the violation at 227 Willow St, which had moved on to the Zoning Board of Appeals (ZBA). The Board discussed conditions that would be acceptable to them to remove the request for a Cease and Desist, including having the property owner remove all structures above the roof as shown on the August, 2013 plan, which was much different from the Building Permit plan. The Planning Board also discussed Zoning By-law revisions such as the Willow Street Overlay District (WSOD), Cottage Housing, the Great Estate By-law, and Cluster Housing. The Board discussed a moratorium on recreational marijuana until June 30, 2018 to catch up with the State. The Board was waiting to hear from the Conscom regarding Section 1, Ways across wetlands and floodplains, which the Open Space Committee proposed to be reinserted in the newly revised Zoning By-law. Two to three people had applied to be Associate Members.

According to Shawn Farrell, the Conservation Commission (ConsCom) would meet to discuss a Request for Determination (RFD) for an addition, a Notice of Intent (NOI) for a septic system, and an enforcement order on the Sagamore Hill Air Force property. The CPC meeting would meet to discuss an evaluation tool as well as the status of the Wenham CPC on shared projects such as the Pingree Park and Buker School playgrounds. Also discussed would be reserves and sources of funding for grants. The prices of asks were on the website.

Bill Wilson said the School Committee approved the \$31.4M gross operating budget. The Committee had a workshop to review future calendar items, looked at the five year capital plan, and reviewed goals for progression. The Affordable Housing Trust (AHT) met and spoke about 7 Kinsman Lane, originally voting to add it to the basket but found there were questions regarding the property. Patrick Reffett spoke with Police and Fire Departments to find there wasn't enough property to accommodate the Town. The Trust took the property out of the basket as it was determined that there was an encumbrance that all four property owners could vote on what happened to the property.

The AHT reviewed the joint meeting with the Board of Selectmen and Harborlight. Bill Wilson noted what was coming back to the Town was larger than what the AHT and Board of Selectmen desired. Rob Brennan from Cape Build would be the third host community partner. Mr. Brennan was met with some opposition possibly due to his interest in the Cutler property, which he explained he no longer had an interest in. Harborlight was more mission based at 60% average median income (ami), while Cape Building targeted 80% ami with developments of pocket communities, workforce housing, and a different tier of affordable and market based housing up to 120% ami, all of which would go toward the affordable housing count. The Patton Homestead was discussed as a Town owned property for affordable housing. A Sub-committee working group would be formed for the AHT.

Jeff Hubbard said the Finance Committee (FinCom) had met to discuss Warrant articles. Carin Kale and Peter Britton were present to discuss their Citizens' Petitions. Mr. Britton's had been withdrawn. The FinCom discussed the FY18 budget as well as assigning responsibility as to which member would take a position for the Committee.

Scott Maddern gave an update on the Council on Aging (COA) and the Aging Communities Program Assessment of Towns. Hamilton now had 25% of residents who were over 60 years old. Mr. Maddern also discussed the Joint Recreation Board, the Gazebo, and the turf project. There was a Citizens' Petition to study the acquisition of fields, which was acceptable to the Recreation Board as long as it didn't take precedence over the turf project. Mr. Maddern met with the Chebacco Road neighbors about paving to find there were a couple of options, one of which would be the maintenance with deeper tilling of that end of the road, compaction and grading so there were not as many potholes, or the actual paving and work. Tim Olson, Brad Hill, and Phil Stevens were also in attendance. The road would need to be moved. Tim Olson would determine the cost and timing. Shawn added the Recreation Department was open for pool family registration at a cost of \$180 for a family pass.

Michael Lombardo was welcomed back. Mr. Lombardo recalled that Chebacco Road preliminary estimates were about \$1.5M. The frontage for some residents would disappear and funding was a big issue. Mr. Lombardo thought there were many environment issues as the road would move closer to Manchester's watershed. Mr. Lombardo was dismayed and surprised to find the Bridge St. culvert work was plugging away and noted they would be finished on March

10, 2017, except for paving and seeding. The Aggregation plan went before commissioners before the 15<sup>th</sup> of the month, with formal recognition and notice to move forward.

Chief Stevens was available to update the Board of Selectmen on the Fire Department. There were 870 calls last year, with the majority (463) being medical calls. There were 470 permits for house sales and 362 fire permits. There were 16 fires overall. The Department acquired a Coast Guard boat worth \$25,000 to use on Chebacco Lake. Chief Stevens discussed training and how the Towns relied on mutual aid but thought the biggest issue was manpower as he had a hard time getting people to respond as they were busy and could not always respond. There were two people on retainer for weekend calls. The Department spent time doing fire drills and lockdown drills with police and public schools as well as prevention including the Citizens' Fire Academy. There was now a generator for the COA center. A status of a \$250,000 grant for self-contained breathing apparatus would be known this summer.

Shawn Farrell asked about consolidating with other towns. Chief Stevens responded that he could not keep people around the clock. It cost \$4,000 to train a firemen and \$3,000 for turnout gear. Bill Wilson asked about ambulance service. There were 17 paramedics to which the Town paid for recertification only. Many were lost to full time departments. Chief Stevens said the Department often received multiple calls at the same time so waiting for an ambulance from Gloucester or another service was a problem. There were four full time staff including the chief who worked from 7 am to 5 pm and on call nights and weekends. There was one seasonal position to help out with vacations.

Chief Stevens thought there would be leadership changes and since it was harder to get mutual aid, everyone would need to get together and do something such as create a few full time stations. If Wenham could not be combined, North Beverly would be the closest after which the next station would be five to six miles away. Michael Lombardo said the (Emergency Center Operation) ECO was engaged with a process with the Town of Danvers. Chief Stevens said the dispatch would need to change if there was a combined fire department. Allison Jenkins thanked the chief for the fast response to her fire, which was the largest one in Hamilton last year.

### **Consent Agenda**

One day liquor license for Fresh Food LLC for an event at 284 Bay Road on March 18, 2017 from 7-11:00 pm.

The Department of Public Works (DPW) sought permission to sell a four grave lot to Robert and Donna Marks (former residents).

Friends of the Library requested permission to post the book sale banner in front of the Hamilton COA from March 6 through 23, 2017.

Jeff Hubbard moved to approve the Consent Agenda.

Allison Jenkins seconded.

Shawn Farrell suggested that when a group posted a banner to have it taken down in a timely manner.

Vote: Unanimous in favor.

### **Licenses**

#### **Page H. Fleming dba Essex St. Motors. Class II.**

The proposal was one that was a business in which everything was done online so there would be minimal impact to neighbors, according to Page Fleming. Individual or small numbers of antique cars would be purchased at auction, screened by a mechanic in Lynn, and once sold, brought to the house at 33 Essex St. to be given to the buyer. Ms. Fleming said there would be no signage, impact, or change in appearance to the house. The property had an eight to ten car garage, but Ms. Fleming said the cars would not be garaged on four acre site. Ms. Fleming had not discussed the proposal with her neighbors.

Shawn Farrell asked how many class II license were in town. At one time, there were four but one was not renewed. Allison Jenkins noted that part of the process was to determine where repairs would be conducted to protect the consumer. Informing the Building Inspector was part of the process. Page Fleming indicated that she had not yet decided where the cars would be stored between the repair stage and the sale.

Bill Wilson wondered about conditioning the number of cars not to exceed a certain number or time on site. Donna Brewer said there were legal issues including the application not being complete, where the cars would be stored, and who the mechanic would be and his location. Ms. Brewer reiterated that the Town needed to know where the cars would be stored and that it was not sufficient to say the applicant didn't know yet. With a ten car garage on site, it would seem that there would be ten cars on site. Ms. Brewer was not sure that this constituted a Home Occupation which should be determined by the ZBA as there were zoning issues as well.

Scott Maddern suggested the applicant complete the application. Page Fleming responded that when submitted, the papers were judged as complete. Shawn Farrell indicated that he had reservations about the storage. The proposal was tabled.

### **Agenda**

Scott Maddern said the Board would re-open, discuss, and vote on three more potential Annual Town Meeting Warrant articles to include 2-11 Application for Bond Premium, 4-2 Employment of Outside Consultants By-law, and 5-2 Senior Tax Work-off Program. Michael Lombardo stated the 2-5 Fund Deficit should be removed as the project would be re-opened and the Town would be reimbursed.

Shawn Farrell moved to reopen the Warrant for the Annual Town meeting.

Bill Wilson seconded.

Vote: Unanimous in favor.

Jeff Hubbard moved to include articles 2-11, 4-2 and 5-2.

Shawn Farrell seconded.

Vote: Unanimous in favor.

Shawn Farrell made motion to close the Warrant for the Annual Town Meeting.

Jeff Hubbard seconded.

Vote: Unanimous to approve.

### **Annual Town Meeting Warrant Hearing.**

Jen Scuteri thought the consent articles should include 2-2, 2-4, 2-7, 2-10, 5-2, and 2-11. The Citizens' Petitions were discussed and once submitted they could not be withdrawn. The first was a ground lease for the Patton Homestead to create a lease for affordable housing, but it was determined that it needed to be put into the basket of potential properties. Scott Maddern recommended taking no action on 5-2.

Jeff Hubbard moved to take no action on 5-2.

Bill Wilson seconded.

Vote: Unanimous to approve to take no action.

Tim Clark described the Citizens' Petition (5-4) for a trail head mini park as he distributed the map of the site. Donna Brewer noted that the site was part of lot 127, which was a private lot. Mr. Clark wanted to put a bench on the site and noted that no money would be involved. Jen Scuteri said the Town could not take action on land that belonged to someone. It was determined that culvert work was allowed due to an easement. Mr. Clark said he would go and ask the property owners. Scott Maddern suggested taking no action on the article.

Based on the land being a public easement on privately owned land, Bill Wilson moved to take no action on article 5-4.

Shawn Farrell seconded.

Vote: Unanimous to take no action on 5-4.

Bill Shields discussed the Citizen's petition (5-5) regarding a joint study committee for Longmeadow Way, which was also submitted to Wenham. The parcel of land, which was comprised of 11 to approximately 16 acres of upland abutted the high school for 1,500'. It was noted as being the only contiguous parcel of land to the high school available. Choices for the land would be to remain in perpetuity as a three lot subdivision, which was what the Planning Board said or, be a 108 unit to 300 unit affordable housing development. The final choice would be to add it to the school campus or some portion of it could be added, according to Mr. Shields. Mr. Shields said there was unanimous support of the School Committee and Superintendent as well as the Joint Recreation Board and the Board of Selectmen in Wenham. There was no

money involved and the two towns would decide who performed the study. Mr. Shields said he had discussed the proposal with Andrew DeFranza who thought it should be brought forward at this point.

Donna Brewer noted the specific language was to direct the Selectmen to appoint a joint committee but that was not within the power of Town Meeting and to do so would be precatory language. The motion should actually say that it would be recommending that the Selectmen appoint a joint committee but not direct them to do it. Allison Jenkins wondered about voting on private land. Ms. Brewer responded that it did not affect the private land to do a study committee. Marc Johnson (Patton Drive) wanted to know if the land owners were in favor of this to which Bill Shields said he had no idea but if they were willing to sell the land for fair market value, they ought to be willing to sell the land to another person. The valuation of the property had never been seen but raw information showed the joint parcels would be worth roughly \$4M. Mr. Shields said there were five football lengths of fields in there and the Gale Report suggested making land available for recreational use.

Bill Wilson said he thought it was a once in a lifetime opportunity but had concerns about the operating expenses for the schools as well as how much land Hamilton had for school use in the apportionment formula. Mr. Wilson wondered if saying yes would contradict the AHT actions. Bill Shields said the AHT considered Longmeadow as still being in the basket, but Harborlight only had control of the back land for a potential 80 to 85 units on the Miller lot. The Town had voted three times to say no. Kurt Miller could sell his land to put in 250 units so the Town should consider the petition to study the options, according to Mr. Shields. Bill Wilson approved of the study but didn't want to restrict housing.

While Scott Maddern had some concerns if one owner decided to move forward without Harborlight, but found the study to be starting point for Hamilton, Wenham, and the Schools to work together to look at the apportionment cost as Hamilton had 80 untaxable acres in town devoted to schools, while Wenham had seven. If the School Committee and Wenham were willing to talk about it, maybe Hamilton wouldn't have to pay for it all. The \$4M cost split between Hamilton and Wenham would be bonded at a relatively small cost. Bill Wilson said there was definitely room for a study committee to look at the property and Harborlight would not stay involved unless there was some subset in that solution.

Bill Wilson moved to support a study group to look at the property adjacent to the high school. Allison Jenkins seconded.

Vote: Unanimous to approve Article 5-5.

The Patton Homestead proposal from the Homestead Board of Directors was discussed. Michael Lombardo wondered if the Board of Selectmen should consider the proposal when there was an open (Request for Proposal) RFP. Donna Brewer said the RFP responses could not be heard until the date occurred for opening them. Bill Wilson thought it would violate the procurement

law. Ms. Brewer opined that if someone proposed a use for the property, the Board of Selectmen would have a procurement problem. Scott Maddern suggested suspending the Warrant Hearing and asked the proponents to return to the Board of Selectmen on March 20, 2017 to receive the proposal after the RFP closed. Ms. Brewer opined that whoever was looking at the responses to the RFP should not look at what was distributed that night.

Carin Kale said the charge of the Patton Board was not to do programming management. The Board had invested two years studying models. The group believed the Town should review the proposal because their position was separate from the RFP. Their position said the Town should manage the property, so it had nothing to do with the RFP. The group was only interested in programming management. The Board of Directors was separate from the Town, which was why they were proposing their concept via a Citizens' Petition.

Scott Maddern responded that the best mechanism was to see what the responses would be. Michael Lombardo said there were many potential issues that he would be prepared to discuss at a later date. Mr. Maddern suggested postponing the discussion until March 20, 2017. Donna Brewer stated the RFP currently out was not limited to property management but rather asked respondents to say how they would intend to use the property. Ms. Brewer thought the proposal would absolutely overlap with the RFP. The confusion was that the Citizens' Petition was only limited to establishing the fund as to how the money would be used so Ms. Brewer had a concern about the scope of the motion on Town Meeting floor that it was going beyond the concept of establishing a fund. Setting up someone to do fund management was considered operations which created concern about the scope of the motion if there was a conversation about more than establishing a special service fund.

Carin Kale asked if there were no satisfactory bids, was she still able to put an alternative proposal in front of Town Meeting. Jen Scuteri said Town Meeting would love to have an update. Donna Brewer reminded the Board that it was a separate legal entity and to give a report as a Town Report by a Board or Committee was not what the 501C-3 was. The Board of Selectmen managed all Town property until given to another Board like the Conscom but it didn't mean that they could just ask a third party to start managing programs up there. That was the reason the Town had to go through the whole procurement process in the first place.

#### **Willow Street building PB-ZBA actions; bylaw update**

Scott Maddern reviewed the concerns about the property which the Planning Board had now referred to the ZBA. Part of what happened was due to the Willow Street Overlay District (WSOD) in the Zoning By-law. Mr. Maddern said the Planning Board was working on revising the WSOD to ensure it would not happen again in the future. The issue was regarding where the mechanicals stood and the elevator section. Shawn Farrell explained that the Planning Board's original request for a Cease and Desist was not clear. The allowable 35' height was not the rooftop but the medium of the roof pitch. The Planning Board allowed for an increase to 41' with three to four feet above that for the elevator mechanical room. The plans for the special

