

MINUTES
Hamilton Affordable Housing Trust
May 30, 2017 – 6 p.m.
Hamilton Council on Aging

Members present: Chair Russ Tanzer, Bill Wilson, Marc Johnson and Michael Lombardo

Town staff present: Dorr Fox, Hamilton Community Projects Coordinator.

Chair Russ Tanzer opened the meeting at 6:09 p.m. with a quorum present. Many members of the public were in attendance.

MINUTES—APRIL 18 & MAY 16, 2017 MEETINGS

Mr. Tanzer suggested that the minutes from the two meetings be linked and voted on simultaneously. Michael Lombardo made a motion to approve them. Marc Johnson seconded the motion. The trust voted unanimously to approve the minutes.

59 WILLOW STREET—HDC DISCUSSION

Brian Stein of the Hamilton Development Corporation (HDC) discussed the status of the Willow Street RFP. The only response received was from Harborlight Community Partners who offered to develop 20 apartment units for seniors (one-bedroom units). The cost for the site is 600K with an allocation of 300K from the Hamilton Affordable Housing Trust. He presented two options: 20 senior apartments with a small retail/office piece on the first floor or a “40B option,” which means just the 20 apartments with no commercial piece. The latter would be a smaller project and people in the neighborhood expressed at a previous meeting they would prefer the smaller footprint.

Bill Wilson asked if it would be the same 300K contribution in either case. Mr. Stein said yes.

Mr. Stein said Harborlight was asking for another parcel of land for another project they want to develop with 12 or more units. This is because they are unable to get funding if the one project is just for senior housing. They would need to include some family housing and wanted to do that at another site. They are currently reviewing options. Mr. Stein said he’s heard a number of people say they wanted to do smaller developments on Town-owned land. One potential site discussed was the Hamilton Council on Aging or across from the bank on Tom Ford’s property on Bay Road. He detailed the timeline proposed by Andrew DeFranza of Harborlight. He said they would not apply for funding until December 2017, but to stay on schedule, they need another parcel for family housing by September 2017.

Mr. Rick Mitchell, a Planning Board member in the audience, proposed that at Town Meeting in October 2017, they could have a non-binding referendum on what that site might be. If they have it finally selected by the end of the year. Mr. DeFranza could apply for the PEL in the spring of 2018 and go to Town meeting that spring.

Mr. Lombardo said with the HDC location on Willow Street, no Town Meeting vote is required. Mr. Stein confirmed that was correct.

Mr. Wilson asked which approach Mr. Stein preferred: the 40B option or the building that included the retail. He said they had only just started discussions on it. He said the building with the commercial piece is essentially by right. There are septic and storm water issues on the site that need to be addressed and some of the other developers thought it was too small a project for them, which is why they had only one interested developer.

Mr. Johnson asked about the mixed-use bylaw and relative speed of the project, whether it would go faster or slower as mixed-use.

Mr. Stein said with the 40B option, there is a fixed amount of time to complete the project, which is set by the Zoning Board. For mixed-use, the Planning Board would establish the timeline.

Mr. Mitchell noted the project was contingent on finding another affordable project. He said that while not perfect, the Council on Aging site was Town-owned land and centrally located. In theory, it has the potential to work, he said.

Mr. Lombardo asked if a second site was needed for both of the proposals or just the 40B option. Mr. Stein responded both. He said he doesn't think that the Council on Aging site is a good location due to public safety vehicles rolling there.

Hamilton Council on Aging Director Mary Beth Lawton asked if there was any reason why the family housing piece couldn't be built at Longmeadow and why that can't be considered the second parcel. Mr. Stein said that does make sense. Ms. Lawton continued that the Council on Aging planned to use the property in the back to increase its footprint with a recreation area.

Director of Planning and Inspections Patrick Reffett cautioned people about the contingency that's been built into the proposal, having one site hinged upon another. Any town legal counsel would advise you it's not a good road to go toward, he said, because of too many uncontrolled variables. He said the proposal was to look specifically at the Willow Street project.

Mr. Lombardo echoed this and asked why it was contingent on another site. He said that at 600K, brought down by 300K, the math would work for this one project.

Mr. Johnson noted there is financing efficiency with dual projects and asked Mr. DeFranza for comment.

Mr. DeFranza said it is not a matter of the cost of financing. Harborlight would not do a single deal with only 20 units on principle and also there is a question of how the State would view a PEL, specifically because the State would want to know what was done for affordable family housing. He noted that Harborlight is currently working on a small project in Rockport that is a mix of senior and family housing.

Mr. Johnson asked if this project could be 15 senior units and 5 family units.

Mr. DeFranza said yes, it could. But the septic system is an issue and the 20 senior units was a better option when you considered that.

Mr. Johnson said that talking about another site and having it possibly fall through isn't good in that the property gets taken off the market for some time. He asked if there is any risk of violating the bidding rules.

Mr. Lombardo said he doesn't see why they should make it so complicated if there is an option to do a stand-alone project.

Mr. Johnson noted it can be done if it's mixed-use (senior and family housing) and satisfies the State with that piece, but then the project is smaller than Harborlight would want. You can do it if it does not get appealed, he said.

A woman in the audience asked where it would put the 40B count for the Town. Mr. Wilson said the plan is to do 14 units per year and this hasn't been done in previous years, so it is a step in the right direction.

Mr. Tanzer said that aside from the necessity for a bigger septic system, if the recipe was mixed up a bit with the 20 count and became partially family and the rest senior housing, he liked the idea.

Mr. Johnson agreed he liked not having the project contingent upon another site.

Mr. Reffett added that if the Trust chooses the 40B option, it doesn't have to abide by the mixed-use element.

Mr. Tanzer said he thinks mixed-use will be a harder sell for the neighborhood.

The same woman in the audience asked if the project would count toward the 40B requirement if the project just had the 20 units for seniors. She was told yes.

Mr. Wilson asked the Trust members how they felt about the 300K figure.

Mr. Johnson noted that the amount is in keeping with what Dorr Fox presented at a previous meeting concerning what other towns are giving toward affordable housing. The members agreed 300K is a good value.

Mr. Fox noted that other towns are contributing more toward affordable housing than they are to open space or to historic preservation currently.

Mr. Johnson said that Maestranzi said that its first big checks will go for open space over housing.

Mr. Wilson asked if the Trust should be thinking about a reserve to allocate some more monies to housing. He said that, as a town, they should understand their priorities about where the money should go.

Mr. Johnson said they were giving 10% for each of the categories and should do this before ask for a higher amount.

Mr. Fox confirmed Mr. Tanzer's understanding from what he's read in the newspaper that Wenham is sitting on 800K for affordable housing and Hamilton is sitting on 630K. All of that 630K could be applied for this project, he said.

Mr. Wilson said he felt the way to move would be to approve the Willow Street site as a single project and talk about putting family housing there in addition to the senior housing. Uncoupling the two makes it much less complicated, he said. The minimum family housing number would be 5 units.

Mr. DeFranza said the site is a better fit for the 20 senior units. He prefers a mix of ages, but said it would be less pressure on the septic system to have just the senior units on that site.

Mr. Stein noted that including five family units, which are larger, could push the project to 2 ½ to 3 floors.

A woman in the audience asked: Doesn't it seem logical to have 20 units for seniors in town and then to do the same thing on the Patton property but have families there?

The smaller footprint is better for the town, said Mr. Stein.

Another woman in the audience asked the rhetorical question, why wouldn't the Town do the project if it moved the Town toward the 40B requirement and people seemed to want it?

Mr. Wilson said she's right.

Mr. Johnson said it's in the Trust's interest to buy down the site so it could be executable and done.

Mr. DeFranza discussed a current Harborlight project in Rockport. He said that when you are local, the senior housing is more the accepted option while at the state level, mixed-use is more accepted. One of the reasons to do more than one site is that you can package it in terms of one financing mechanism. He wants to "sister it up" with another parcel as soon as possible.

Mr. Lombardo asked what "family housing" means. The answer was multi-bedroom units.

A woman in the audience asked if the unit could be two bedrooms as opposed to three so as to be less taxing on the septic system. DeFranza answered yes.

Mr. Tanzer clarified that there could be some units at two bedrooms and some at three bedrooms.

Mr. Johnson confirmed with Mr. DeFranza that in terms of construction costs, going up in the number of stories is cheap.

Mr. Wilson asked Mr. Stein if the preference for his group was to have the retail piece. He said yes.

Mr. Johnson asked Mr. Stein for a meeting in which Mr. DeFranza could present sketches of the project with the new parameters (mix of family and senior housing). Mr. Fox said Mr. DeFranza should examine the math regarding the units and the “ask” from the Trust.

Mr. Mitchell said “mixing makes sense,” and it would be hard to object to a project like that on that scale.

A man in the audience discussed some of the concerns neighbors might have, such as creating more traffic. The “elevator issue” was also touched on. Getting rid of the commercial space would alleviate some of that added traffic.

Mr. Lombardo recommended holding the meeting at the library with the Council on Aging as the back-up venue. With Mr. DeFranza, they agreed to hold it within two weeks. Mr. Fox asked if the Trust members were OK with paying a \$50 fee to the library. They said yes.

Mr. DeFranza said that the abutters within 300 feet of the Willow Street site would be notified of the public hearing.

Mr. Tanzer and the other Trust members looked at their calendars and arrived at the date: Thursday, June 15 at 6 p.m., with the library as their first choice for the venue.

Mr. Wilson suggested getting the notes from the last meeting with the neighbors in preparation for the meeting.

Mr. Fox said minutes were not taken at the meeting because there was no quorum, but members could bring their notes.

CIRCLING AROUND TO LOOK AT TOWN-OWNED PARCELS AGAIN

Mr. Wilson said they owed another discussion to looking at all the Town-owned properties through the new filter or template being devised. Mr. Tanzer agreed.

Mr. Johnson said that moving forward they should apply the new concepts, but he would not want to circle back to revisit sites already looked at since many of them had been ruled out.

Mr. Fox asked what sites they were thinking about reexamining. Central Avenue is gone. He said that some sites that only allow for one or two units shouldn't be looked at.

Mr. Johnson said that the 20 units at Willow Street was a legitimate difference from the 40 units they had in their mind, and that there are other properties in town that would qualify for 12 units or higher.

The Trust discussed whether it was worth spending 50K to clear a title concerning a property that abuts Great Pond. Mr. Wilson said it might be worth the money to research a deed to find out the logical person to send the bill to for back taxes.

Three properties need vetting, according to Mr. Tanzer and other Trust members: the property behind the Council on Aging, the Landfill site on Chebacco and the Patton Homestead.

LANDFILL SITE – CHEBACCO ROAD

Mr. Wilson said he liked the idea of looking at the landfill site as a place where businesses might like to go as a swap from being located downtown. Mr. Johnson said it's not easy to find businesses that want to relocate to the unpaved Chebacco Road.

Jack Lawrence in the audience said they can market that landfill site, which has some gorgeous virgin land, to couples with no kids looking for a starter home. These homes could have a fast turnover, being located off of 128. He said that he certainly wouldn't build on the landfill itself but the virgin land might be worth looking at.

FURTHER DISCUSSION ON LOOKING AT TOWN-OWNED PARCELS

A man in the audience gave his opinion that a light was needed on 1A near the COA site. Another issue discussed was drainage.

Mr. Lawrence discussed flooding at Weaver Pond that is resulting in a flooded playground. Infrastructures need fixing, he said.

Mr. Lombardo said the water is moving now, but slowly. He said he sent out an email about the problem.

A man in the audience suggested looking at the height of Miles River itself. It is backed up and not flowing out of the basin fast enough, he said.

Mr. Johnson asked if Myopia's dam was taken down and said that could be affecting Weaver Pond.

Mr. Wilson brought the group back "on task" to the topic of creating the template.

A woman in the audience suggested being mindful in terms of picking sites that already have infrastructure (such as traffic lights) and using the infrastructure already in place.

Ms. Lawton said the COA site was looked at and there were many concerning issues there, such as the parking and septic system, and asked: Why look at the area that is the most congested?

Mr. Tanzer replied that the Trust had to look at town-owned property.

Ms. Lawton asked if she could forward the paperwork from the previous meeting to the Trust. She was told yes.

Members discussed the COA site and a woman in the audience said that Mr. Johnson is an abutter and should not speak to the issue.

Mr. Lombardo said that rather than go round on this and not get anywhere, the objective is to look at the three properties and have that conversation. He said there was no harm in looking back.

Mr. Fox asked if the lens would be different than what it was when the sites were previously considered and how would it change the conclusions?

Mr. Johnson responded that the Trust had in its mind, a possibility of 40 units and now is talking about something as small as 12.

Mr. Wilson suggested looking at the list of the three properties previously mentioned (COA, Landfill, and Patton) in addition to Willow Street at the June meeting. The Trust agreed to this.

REFINING AND DISCUSSING THE PROCESS AND USE OF A HOST COMMUNITY AGREEMENT AND CREATION OF A TEMPLATE FOR EVALUATING IDEAL SITES

Mr. Tanzer said he reached out to Jim Cresser, an attorney who sits on the Ipswich Affordable Housing Trust and manages the process. They are at just shy of 9% of the 10% requirement. They have a "sit back and wait to hear" attitude in that they are not out looking for projects. They work in conjunction with the Ipswich Board of Selectmen. This is how they've been running the Trust for some time. He asked the other Trust members, "Do we do that?"

Mr. Johnson said, "Yes, until about 18 month ago."

A woman in the audience asked the Trust members to explain why the Patton Homestead is not being looked at. Mrs. Wilson and Tanzer replied that it is on the list for discussion at the next meeting. Mr. Johnson told the woman that her taxes went down because of the Patton property, not up.

Mr. Lombardo said he doesn't see what is to be gained by going out and looking at private parcels. The Trust was vetting properties for the last 18 months and this is where they've landed. It is not the right approach, he said.

Mr. Johnson said this is why they want to create a template, to give some structure in which to evaluate properties. The idea is to have an easier mechanism to achieve the Trust's goals and give a set of expectations. We need a higher threshold of what is right for us to discuss, he said, for example when something is under agreement or there is a clear developer involved with a private owner.

Mr. Tanzer said that the result of the vetting they've done is that they've "gone not too far forward." Giving it a shot was worth it, he said, but they've got to come up with a better way.

Mr. Wilson said before a PEL (project eligibility letter) is filed there should be a place to say that if you share in similar goals to us, we'd like you to stop at this board that meets once a month and review that. This will help shape projects before they get too far along.

Mr. DeFranza said most developers don't inform the municipality until the PEL is filed.

Peter Clark in the audience asked what is happening with the Gordon-Conwell Theological Seminary site.

A woman in the audience mentioned that tax dollars are going to educate children of employees at Gordon-Conwell and asked about property there. She is told by Mr. Wilson that the college has given a gift to the town of 75K.

Mr. Lombardo explained that the Town has a legal obligation to educate the children there. As a nonprofit, the college doesn't have a legal obligation to make that gift.

Mr. Clark said they are cash poor and land rich and it behooves the Trust's leadership to try and work out something with them.

Brad Haley, an abutter to the Gordon-Conwell site, in the audience, said he didn't want to discuss Gordon or other properties until there is a template. His question was whether the Trust had looked at the application of 40R.

Mr. Johnson said yes, the Trust has extensively talked about 40R and if the Town had more mill buildings and factories, it would be perfect. It is a nice idea, but not well funded. 40R is almost appeal-proof. It is by right, but it doesn't seem to be an easy or affordable answer for Hamilton.

The big driver, according to Mr. DeFranza, is that density goes up.

Jake Fiumara in the audience said that Mr. Britton was taking plans and drawing boxes on them and that is what led to problems. He said that nobody wants 80 to 100 units and the Trust should come up with a number they will and won't support. For him it comes down to density. If Cutler Road gets brought up, he will be against it. His reasoning is that Mr. Britton wanted to put 120 units there and ignore the wetlands. There is a number that the Trust needs to arrive at that shows what it will and won't support, he said, adding that no matter what site is picked someone will come out against it.

Mr. Wilson said the number 40 is in his head as the number to bring to the Trust.

Ian Cookson in the audience said the format he would use is the PEL application that is three pages. Mr. Fox noted he had sent that document out to the Trust to look at.

Mr. DeFranza said the Pell wants to know about affordability. He said it is hard to meet 40B requirements if you are doing many small projects with all that goes along with that.

Mr. Fiumara asked why Wenham has the potential to be at 13 ½% for affordable housing and why they weren't looking at a blended percentage rate. The library was built on that model and the schools. A discussion on merging the two towns ensued and ended with the Trust agreeing this would not happen. Also it is outside of their scope for this discussion. Mr. Tanzer and Mr. Johnson said that was something for the schools and the Selectmen to look at.

Mr. Johnson said they had discussed affordable housing on land that was outside of the town. For example, if the land straddled both communities. However outsourcing land for affordable housing was viewed as the "epitome of snobbery."

It was decided to work on the template by taking three pages from the PEL application and three pages from the Trust's meeting on the subject and put it together. Mr. Wilson said he would work on that and Mr. Fox said he will send materials out to the group.

LIABILITY OF THE HAHT

Mr. Tanzer said when he and Mr. Fox attended the Mass Housing Partnership seminar on affordable housing, they touched on the subject that the Trust members could be susceptible to lawsuits.

Mr. Lombardo said the issue was vetted with Town Council and the only time a board or committee member should be concerned is if its members were engaged in activities that could be constituted as a conflict of interest. He said members fall under the Town's liability insurance. He said he has seen where individuals are named in lawsuits, but unless a conflict of interest can be demonstrated, that aspect

is rooted out long before it proceeds. He said that if Trust members had concerns about a conflict or perceived conflict, they should file that with the Town Clerk's office to disclose the conflict.

Mr. Johnson said that an individual would fill out the form with the Town Clerk and it would go to the chair of the appointing board and chair of the board the members serves on. He encouraged watching a video made about this subject that is included in Legal Counsel Donna Brewer's May 15 minutes on the website. There is a training course online concerning conflicts of interest. He noted that disclosures are often about appearances of conflict of interests and not real conflicts.

MASS HOUSING PARTNERSHIP COMMUNITY OUTREACH PROGRAM

Mr. Tanzer reached out to Susan Connelly, the director of Community Assistance at the Mass Housing Partnership. He is going to ask her to come to the meeting in June. Mr. Lombardo said that meeting will be a discussion of the template and the three properties, so Mr. Tanzer and others decided to slate that for a future meeting.

NEW BUSINESS

The Trust members discussed that the June 15 public hearing will primarily focus on the Willow Street site and giving the public the project details put together by Mr. DeFranza. Then, if there is time, the other parcels—the COA, Landfill and Patton sites—can be discussed. Mr. Fox noted that this hearing will be a joint meeting with the HDC.

Mr. Lombardo and Mr. Johnson agreed they don't want to cut the Willow Street discussion short, as the neighbors will be there and schematics will be presented.

Bob Curry of 713 Bay Road, in the audience, said that a subject for a future meeting might be to discuss the idea from the HAHT candidate Bill Massos about perhaps re-designating some existing property as affordable housing. For example, Gordon-Conwell perhaps renting some property there to people beyond the college. They could also look at Asbury Grove or other places that could be designated as affordable housing, with some incentives to demonstrate a long-term commitment to keeping a place affordable (deed-restricted).

Mr. Lombardo said that regarding Gordon-Conwell, he met with them and they are renting to just Gordon-Conwell and Gordon College faculty, students and retirees, not to the public. They couldn't market that to specific groups, it would have to go into a lottery, said Mr. Wilson.

A man in the audience brought up the template and the idea of having certain criteria that if it was met, the Trust would offer some financial incentives.

Mr. Wilson liked the idea, but Mr. Johnson said that runs the risk of politicizing some projects, which may not be bad. Those expenditures have to be approved at Town meeting and they will be voting on a project, so there are good and bad dynamics to it.

Mr. Cookson said that if the Town objects to a 40B development, it's not going to happen. The Trust discussed why this is not a true statement.

ADJOURNMENT

Mr. Lombardo made a motion to adjourn the meeting at approximately 9:15. Mr. Johnson seconded the motion. The Trust voted unanimously to adjourn the meeting.