

## HAMILTON BOARD OF SELECTMEN

### MINUTES OF MEETING

May 1, 2017

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

This meeting was called to order at 7:01 pm. Members of the Board discussed if the venue was accommodating enough for the large resident presence.

#### **Announcements**

Bill Wilson described the current Board openings: Planning Board two Associate Members, one Community Preservation Committee (CPC) at large member, and one Affordable Housing Trust member. Open Burning Season ended today at 4:00 pm. Town Clerks were also hosting an open showcase for questions regarding legislative process.

#### **Public Comment**

##### **Selectmen/Town Manager's Report**

Shawn Farrell recalled that the Planning Board met and discussed the Willow Street Overlay District (WSOD) revisions with the public hearing stage upcoming. By-law revisions were approved by the Attorney General with some input regarding old By-laws, but not the revisions. Linda Miegs, Manager of Hamilton Crossing, asked the Board if blade signs, which were not in the sign By-law, could be installed under the canopy. The next Planning Board meeting would include topics such as 46-48 Myer Road Approval Not Required, Canterbrook special permit extension, WSOD, and outdoor seating at 15 Walnut. Mr. Farrell noted the rain barrel program.

Jeff Hubbard said the Fincom met and was looking for an intern to compare different communities for fees.

Scott Maddern recalled that he had spoken with Brad Hill about Chebacco Road paving. Mr. Maddern had discussions regarding affordable housing. While Mr. Maddern wanted to meet with the State, the State did not want to meet with the Town due to their previous reception. Mr. Maddern noted the he was working with Michael Lombardo regarding household data for potential alternatives for apportionment with the schools.

Bill Wilson announced the Clerk's Showcase where local and State officials would meet with residents to answer questions and have conversations about why and how they do the jobs they do. The Affordable Housing Trust (AHT) had spoken with John Shane and Kurt Miller who offered their desire to move forward with affordable housing. The School Committee had spoken with Bill Shields and discussed the Citizen's Petition for a Longmeadow study. Josh

Liebow was the new School Committee Chair. Gene Lee was elected Vice Chair. The School Committee reportedly discussed the five year capital plan of \$18.5M and that Winthrop School needed a fire suppression system. Two years ago, the Chief Fire Inspector said the leasehold improvements would require a fire suppression system. The school could lose their lease if they were not to install the sprinkler system or the administration could issue an extension. Fall Town meeting would determine how to pay for the \$600,000 sprinkler system.

The School Committee had discussions regarding the consolidation of three elementary schools being combined into two. It could be nine years until a new school would be built. Turf fields were reportedly discussed with David Polito, Phil Tocci, and Sean Timmons. The School Committee wanted to step back and authorize the administration to work with the recreation department, complete the study, and bring it back to the School Committee to determine where the field, either grass or turf, should be.

Michael Lombardo discussed Patton Park flooding, the Attorney General's voting to uphold marijuana moratoriums, and the municipal aggregation program. All Boards had met and agreed upon a parking lot location. The new website was scheduled to be live May 15, 2017. There was no indication of high methane levels during the retest during landfill monitoring. The AAA bond status was reapproved. The meeting for Chebacco Road would be May 19, 2017. The sidewalk program downtown was discussed.

Marisa Batista's report would be given at the next meeting.

### **Consent Agenda**

Approve the appointment of Walter Row to the Hamilton Board of Health  
Approve minutes of the April 3, 2017 meeting.

One Day Liquor License was requested by ECTA for a fundraising event at 746 Highland Street on June 17, 2017 from 6:00 pm to 9:30 pm.

Shawn Farrell wanted to ensure that the applicant spoke with the Police Chief

American Legion Rider would have a charity ride to benefit Feed the Dog. Shawn Farrell wanted to have a map of where the ride would be. Scott Maddern responded that it was part of the description and verbally defined the ride.

Motion made Jeff Hubbard by to approve the Consent Agenda.

Seconded by Scott Maddern

Vote: Unanimous to approve.

### **Agenda**

Affordable Housing – continue discussion from the prior meeting regarding prioritization of parcels

The process of searching for sites had yielded three locations, 13 Essex St, Longmeadow Way, and Gordon Conwell, according to Bill Wilson. Harborlight had given a chart of the challenges of each location. Andrew DeFranza was looking for answers to questions regarding drainage and traffic as well as looking for guidance as to which property should be focused upon.

Scott Maddern announced the new information from Kurt Miller, who said his property value was \$5.6M, which would be used for acquisition if the field study indicated purchase was preferred. Each of the proposed properties had legal representation, according to Bill Wilson. There were 10 to 15 other locations that had not advanced to this stage. Jeff Hubbard felt that the municipality had become ahead of itself acting as a broker between developers and private landowners and suggested that the Town look at what land the Town owned as a priority. Jeff Hubbard added that the Board was choosing one developer for three properties, upsetting five different neighborhoods, and affecting the prices of the homes.

Bill Wilson said the Town was trying to be a partner and facilitate a process. The properties were available and on the market. The alternative would be to sit back and wait to see what happened. Mr. Wilson noted that his tolerance level was up to 40 units but waiting to see what happened might yield 140 units. Mr. Wilson continued that some questions needed to be answered with money including what conditions and maximum units as well as what the project looked like. The only way to answer those questions would be to investigate the locations, according to Mr. Wilson. It was agreed that downtown was the best location due to smart growth principles, but there was no open real estate there.

Allison Jenkins recalled the process started because a developer had a parcel under agreement to develop a 40B project and the Town asked him to wait and look at other parcels. The AHT looked at other parcels. No one was happy about it being in their backyard. Ms. Jenkins asked what the residents wanted the Selectmen to do. According to Ms. Jenkins, no one was building a 15,000 sf house any longer and no one wanted a huge development in their backyard, but the parcel must be financially viable. Ms. Jenkins asked if the Selectmen should step out of the process. Bill Wilson added the plan was to meet the needs of senior housing while trying to keep it from being a large density project.

Ingrid Mitchell (Alexander Way) wanted the Town to buy Longmeadow and invest the money in a field. Ms. Mitchell said she moved here for the school and wanted the funding to go to Longmeadow. Bill Wilson agreed that the site could be used as a school site.

Susan Lawrence (Rock Maple) believed that each of the three properties would cost the Town money and that the Board should be discussing Town owned properties. Bill Wilson responded that Town owned properties were considered and stopped at this point but could be considered again. The Willow St. property was currently being discussed by the AHT. Bill Wilson asked if the Board should take another look at Town owned properties before making a decision between the three.

Bill Shaw (Ortins Road) asked the Selectmen to protect the tax base of property values. Mr. Shaw did not think the projects were good for Hamilton. Scott Maddern responded that there was a need for senior housing. Bill Wilson added that the Town would not have a say in what happened and the development could potentially be worse.

Richard Bursaw (Ortins Road) described the one to two inches of rain caused his sump pump to work for a week. There was standing water on both sides of his home. Mr. Bursaw was concerned about the groundwater problem and whether it was 20 or 108 units, it would create a worse problem. Mr. Bursaw wanted a perc test done when water was high and noted that it was one thing to build in Beverly with sewerage, but the Longmeadow site would not be able to handle a development with groundwater issues. Bill Wilson responded that the developer would spend money to determine if the site could handle the wastewater.

Bill Shields, (Bay Road) stated that Longmeadow was the only site before the Board that had been vetted by the Planning Board in 1980. The previously approved plan indicated that three lots would be allowed with no more lots allowed. Mr. Shields added that the appeal would go to the Supreme Court. The parcel had been vetted by the Selectmen, Planning Board, and the AHT, who all, except Fred Mills, voted no. Andrew DeFranza had only done one test pit and did not control the Farnham parcel, only the two out back. The Towns voted to study Longmeadow for school purposes. According to Mr. Shields moving forward with Longmeadow as an affordable housing site would doom the study and doom the will of the people who voted for it.

Peter Durning (attorney representing a Miles River Road neighbor) said that developments at the Gordon Conwell and 13 Essex St. sites would affect 100 plus residents by changing the dynamic of the road. Gordon Conwell was located in a Zone II area which would incur a complex septic system to be built. Mr. Durning referred to the City of Newburyport who stopped a development to determine if drinking water could be provided from the aquifer. The topography was difficult at Gordon Conwell causing issues with the infiltration of water, sedimentation control, and catch basins. Stopping the erosion during construction would be considerable. 13 Essex St. had limited frontage and access and was not suitable for several units to be placed there. Seniors and families should have two egresses, according to Attorney Durning who also mentioned the natural resource heritage determination.

Jay and Kate (last name was missing), neighbors of 13 Essex suggested proactive good planning. Bill Wilson said all the layouts have been too large. Mr. Wilson asked if it would be preferred to have it under the ZBA.

Leslie Stanton (68 Rock Maple) said she was considering the costs to the school system including the need for Occupational Therapy and special needs. 40B would burden the school system. Ms. Stanton said the Town was hoping to assist seniors in housing, but what was being proposed for State Funding must have a range with families to be brought in. Ms. Stanton added

that decisions were being made that were only looking at the land but the school would need to prepare to service multi-family types, including funding meals and services for children with special needs. Bill Wilson responded that the schools have a vast drop in enrollment so looking to restructure to fill up seats would not be a bad thing. Mr. Wilson suggested inviting the schools in to discuss not just these three properties but in general, adding that 40B needed to meet the needs of the town.

Kate Walker (Ortins Road) said all the properties had issues but to pit properties against each other was belittling to each neighbor, which had been the outcome of the meetings. The Town was making private transactions public. Ms. Walker said if the Board voted for one property, it was just looking for a quick fix. A large project would create traffic that would likely not get through the State and would affect everyone in town. Smaller projects had been brought to the AHT, but did not move forward. There would be an impact on taxes, property values of abutters, traffic, and added school costs, which would need to be addressed. It was suggested that the abutters purchase land to protect themselves, which was shameful, according to Ms. Walker. Ten years of construction next to the high school was not a good alternative.

Jay Bellato, (Bridge St.) stated the Gordon Conwell and Essex St. properties should be open space and he was also shocked that no cost analysis had been done on any properties. With the steep hills and rocks of Gordon Conwell, blasting would occur. Mr. Bellato was not willing to support any of these sites.

Rudy Pizzano. (Essex St.) read a letter from the MA Historic Commission, which evaluated 13 Essex St. indicating that the property met the criteria of the National Register, due to its integrity, location, design, setting, and association with country homes of that era. The architect was Parker and the landscape was one of the Olmstead brothers.

Kent Gleming (Essex St.) said she moved here last July and found 13 Essex St. unsuitable as it was a treasure. There were severe financial consequences for him and the Town. There was a potential 50% reduction in his and his neighbors' home values. Ten houses were direct abutters. In 2017 the value of the abutting homes was \$14.6M and they paid collectively \$250,000 a year in taxes. Reducing the values by 50% would decrease the taxes to \$125,000 a year. The development would add new kids to support. Mr. Gleming reminded the Board that there were elected as a Board to serve the residents of Hamilton and what they were proposing was not doing that.

Dave Thompson (Essex St.) reiterated that 13 Essex St. was eligible to be listed as National Registry of Historic Places and added there were wetlands on two sides, streams, and two pools. Each of the 25 neighboring families bought a lot in Hamilton in the RA, two acre district with the expectation of privacy. Typical home values were \$1-3M each currently. The placement of 80 units of affordable housing would be grossly inconsistent. Mr. Thompson asked the Board to make the right decision for the Town and take 13 Essex St. out of the basket.

Robin Sears (Bridge St.) recalled that Jeff Hubbard was considering Town owned properties and that before Winthrop installed a \$600,000 sprinkler system, the Town should consider condensing into two schools.

Amy Cavalla (Woodbury St.) referred to the land behind the Public Safety Building and Winthrop and wondered if a small scale project could be built there. Ms. Cavalla said if the Town had Town owned land that the Town should use it downtown.

John Dickey (Essex St.) said Allison Jenkins had asked a fair question about what the Board of Selectmen wanted as a Board. To those in the neighborhoods that were being affected, it was a fast process. Chebacco Road was not in a neighborhood so property values would not be affected. Mr. Dickey said he had listened to everything and there was not a suitable property that had been vetted. Mr. Dickey suggested slowing the process down and finding a property that was not intrusive to specific neighborhoods. According to Mr. Dickey, it was morally and ethically wrong for people who have lived here for 40 years to be affected by this project. Mr. Dickey asked the Selectmen to look in the mirror and ask if it were in their backyard, would they approve it. Mr. Dickey also referred to Patton as a place for housing.

Thomas Sutro, (Bridge St.) asked the Board to consider the Public Safety Building, Town Hall, or the Patton Homestead, build the turf field and move some fields around.

Brad Haley (Bridge St.) thought there were potential costs for the Town, in addition to school costs and tax reduction for lost property value. The roads on Bridge St. and Woodbury St. as well as Miles River Road would need to be improved. Eighty units would double the households in the area. Mr. Haley noted the Board would be brought into lawsuits with significant legal costs and that he believed the Selectmen were mobilizing people against the Town.

Bill Shields questioned the price of \$5.1M for the Longmeadow property and noted that if Andrew DeFranza took the price he was paying to the State, fair market value would be determined by the market price. Eminent domain would be based on fair market value. If the Town wanted to acquire the land, they should file for eminent domain. Mr. Shields noted the fair market value would be considered for the acquisition of the Town rather than large numbers provided by Mr. Miller.

Scott Maddern talked about turf fields and parks which were being used immensely. Mr. Maddern recalled that all Boards being against Longmeadow was incorrect. The Boards were only against the 108 units on the site as it was too large. Bill Wilson considered that the Board was asked to give guidance, but wondered if that was their responsibility or liability and noted the risk of liability.

A resident said she had spoken with Brad Hill and asked if Hamilton would be used as a legislative example for community host partners, to which the response was that Hamilton would not be used as a model. Brad Hill reportedly said that not being able to sell your house was not the purpose of it. The resident asked if information was transparent and that the information from the State was very different from what she heard at the Selectmen's meeting. The resident said that the system here was not working and suggested finding a developer who wanted to build a small development. The resident noted that Ipswich officials were with the residents to fight a 40B on a heritage property but in Hamilton, it felt that the officials were against the residents.

Jeff Hubbard asked the Board to consider emptying the basket and look at Longmeadow. The Board said no to 108 units with the developer asking for money to reduce the number of units. Mr. Hubbard suggested having a template to look for smart growth with 40 units. If 140 units were presented, the State would not allow the 140 units. Mr. Hubbard wanted to write guidelines to determine if a project fit and if the project did not fit, the Board would not put it in the basket.

A resident on Woodbury St said he did not think putting the properties into a basket was done properly and added that if Andrew DeFranza did not want to do a small project, the Selectmen should find another partner who would.

Bill Wilson liked the idea of a template and pushing it back to the AHT to ask if 40 units could be done. Michael Lombardo recalled the PILOT obligation of Gordon Conwell who said they would donate land for affordable housing. Peter Britton had previously indicated that he would go talk to Gordon Conwell, which put Andrew DeFranza in touch with Gordon Conwell.

An abutter reiterated that the officials were working against the residents. Conway Felton (Bay Road) did not feel the Board of Selectmen were working against the residents but there was a process for each neighborhood that was like a lightning rod for all of them.

Sandy McGrath (Essex St.) said the Town was going to work with the State to get the housing at Gordon Conwell and Asbury Grove counted towards the Town's quota. The Legislative action showed traction, which would position the Town to do something to have a smaller progressive plan for affordable housing back to the 12 to 15 units per year which would have universal support of the residents.

Allison Jenkins recalled that the Board of Selectmen's goal was to have the Gordon Conwell property and Asbury Grove count toward affordable housing, which was inhibited by religious affiliation. Ms. Jenkins said the Board would move forward with working with Bruce Tarr and Brad Hill to set up guidelines to protect residents.

Sally Felton (Bay Road) remembered that during the Town Meeting that there was unanimous support that the Town continue with the study group for the schools. Ms. Felton would be

disappointed if the Board of Selectmen decided not to do that. Ms. Felton recalled that it was two towns that had approved the action and she hoped the Selectmen would honor what the residents had asked.

Jack Lawrence (Rock Maple) recalled that Asbury Grove was an old Methodist camp meeting community similar to other Chapter 180 charitable corporations. Most of the other camp meeting properties had become condos. While there was no affiliation with the Bishop in Lawrence, the greatest impediment would be for someone to sign an agreement for whomever would live there.

Scott Maddern discussed the active religious environment of Asbury Grove, the historic tabernacle and the cavalry interdenominational population, which doubled in the summer. Mr. Maddern said the Town wanted as small of a site as possible and suggested leasing back some of the property to the schools, which would relieve the burden on the developer. Mr. Maddern noted the need for cottage housing as a mechanism to get the density the Town needed. According to Mr. Maddern the next steps included exercising the Town relationship with Andrew DeFranza and to ask the Town Manager and Town Planner to look at conditions for consideration and make stronger recommendations for Fall Town Meeting to adopt more Zoning By-laws.

Shawn Farrell said it was difficult to issue a decision and didn't want to influence a private sale, but cost and size were issues. Mr. Farrell noted the Town wanted cottage housing and that they would buy down the housing. Discussions with Gordon Conwell would not stop Andrew DeFranza from pursuing the three properties.

Bill Wilson said the proposed template was outside of the PEL process and wondered if a developer would be able to follow it. The economics was the responsibility of the developer. It was noted that at Longmeadow, the lowest number of units would be 80, which was still too high for the Selectmen.

Jeff Hubbard noted that the AHT had not found any reasonable alternative properties to Longmeadow at the current time. Shawn Farrell said he didn't want to influence a private sale. Bill Wilson agreed that it was not the place of the Selectmen but they could create a template. If Andrew DeFranza could make the number of units fit, the Selectmen could support it. There might be a hybrid approach with the school getting what they wanted and affordable housing as well. Mr. Hubbard suggested emptying the basket.

Mary Cookson (Essex St.) said that the neighbors should have been meaner and more aggressive because the downtown people came to the Selectmen and screamed at them, to which the Board of Selectmen responded. While the downtown property did not get over any hurdles, it was consider by Ms. Cookson as the perfect location and she thought it was crazy that the Town did not look at it.



Page Fleming (Essex St.) agreed and added that there was a general feeling that the Board was not on the residents' side and did not represent the citizens of their neighborhood. The Board was not listening. Ms. Fleming recalled that the Board kept saying these people need housing, but they were not present, but the neighbors were present.

Bill Wilson said he was not comfortable picking a location and that there needed to be a next step somewhere.

Scott Maddern responded that the AHT helped produce a template and the properties that came forward either met it or not. Bill Wilson thought it was a good next step. Shawn Farrell said the template and smart growth guidelines were fine but worrying that the Board came with a number of 25 units while any 40B developer could come in with whatever they wanted to build, it would not be 25 units, but could be 80 plus units. Mr. Farrell added that a developer did not need to follow the guidelines. Peter Clark mentioned Rob Brennan built affordable housing with a higher average median income while Andrew DeFranza required State funding.

Patton Homestead – Update from the All Boards meeting and discussion of timeframe for capital projects; continue discussion regarding PHIL proposal.

The parking lot proposal and capital improvement comments were discussed. Michael Lombardo said the parking lot would be on the rose garden side. Tim Olson was creating a scope of work including work on dormers with permits before June. The group would bring in someone with architectural background for accessibility for ADA compliance. Mr. Olson thought it should be a package with a project manager to oversee the project.

Michael Lombardo discussed managing programs and wanted to find an entity to manage the facility in its current state. Scott Maddern was concerned if MUNIS could accomplish the accounting or if there needed to be a special act. Mr. Lombardo said a special act was recommended but a spreadsheet could be accomplished via MUNIS. The Citizens' Petition was an effort to reconcile revenues and expenses. The DOR noted the existing multiple funds were more difficult. An enterprise fund had different limitations and challenges, according to Mr. Lombardo. Scott Maddern mentioned that transparency was the purpose of the Citizens Petition.

Town Hall Building Committee – receive recommendation from workgroup on additional appointments; vote to appoint members.

Michael Madden was a project manager and would do a good job keeping the committee on task. Five other individuals had also come forward to serve on the committee.

Scott Maddern made motion to appoint members to the Town Hall Committee.  
Shawn Farrell seconded adding it would be a true committee with a minutes taker.  
Vote: Unanimous to approve

Board Calendar – review and approve Board of Selectmen meeting schedule for July – December 2017; discuss possible dates and format for retreat/board planning session.

Approve/Sign Bond Anticipation Notes

There was a AAA rating for the \$3.3M in bonds, allowing \$17,000 to return to the General Fund. Motion made to approve \$3,334,000 with 2.5% average interest rate by Scott Maddern. Seconded by Shawn Farrell. Vote: Unanimous in favor.

New Business

Allison Jenkins would write a policy for one day liquor licenses. The FinCom was looking at a policy for free cash. Ms. Jenkins considered new town hall hours and discussed a television in the hall or upstairs that would connect larger groups allowing access. Bill Wilson thought having one night a week with later hours might accommodate the community. Bill Wilson wanted to have an employee survey. Michael Lombardo wanted to have goals and objectives for the Board of Selectmen. Shawn Farrell wanted the goals to include liaison roles. Scott Maddern recommended Chebacco Road improvements and looked to Town Meeting to determine the future of improvements. Bill Wilson said financial priorities should be a priority.

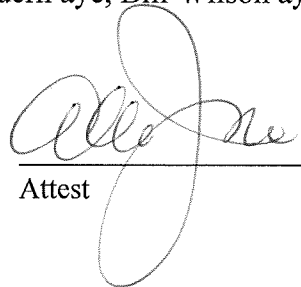
Executive Session .

Bill Wilson moved that the Board convene in Executive Session for the purpose of conducting collective bargaining sessions with AFSCME – Admin Unit; AFSCME – DPW and Police and Fire Signal Operators, with the Town Manager in attendance to participate in the discussion, and not to convene in open session after the conclusion of the Executive Session at 10:38 pm. Seconded by Scott Maddern.

Allison Jenkins aye, Shawn Farrell aye, Scott Maddern aye, Bill Wilson aye, and Jeff Hubbard, aye. Unanimous to move into Executive Session.

Prepared by:

Marcie Ricker  
Marcie Ricker

Attest  Date 6/19/17