

**Hamilton Affordable Housing Trust**  
June 27, 2018 – 7 p.m.  
Memorial Room, Hamilton Town Hall

HAHT Members Present: Chair Russ Tanzer, Marc Johnson, and William Olson  
HAHT Members Absent: William Massos  
Interim Town Manager: Robin Crosbie  
Town Staff Present: Hamilton Community Projects Coordinator Dorr Fox; Director of Planning & Inspections Patrick Reffett

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Chair Russ Tanzer opened the Hamilton Affordable Housing Trust (HAHT) meeting at 7:02 p.m. with a quorum present. About 33 people attended the meeting.

MINUTES—JUNE 11, 2018

The vote on meeting minutes was continued to the next meeting as they were not completed.

PAYMENT OF BILLS

Mr. Tanzer presented a bill from Town Counsel Donna Brewer for drawing up documentation for grant agreements.

Marc Johnson made a motion to approve paying the \$205 invoice. Bill Olson seconded the motion. The motion voted unanimously among those present (4-0) to approve payment.

APPROVAL OF GRANT AGREEMENT—59 WILLOW STREET

Mr. Tanzer explained they were deciding whether to move forward on funding the Willow Street project. It had shifted from 20 senior housing units to 7-8 family housing units. The reason for the shift has to do with the mechanism for funding used by Andrew DeFranza of Harborlight Community Partners. [If the project does not include “sistering” with another project, he can’t use tax credits.] Mr. DeFranza had not yet arrived to the meeting.

Mr. Johnson said he found it hard to approve the project in its existing form as it wasn’t the best deal, although it does make small progress [toward the Town’s 40B requirement]. The average cost per unit [\$114K, according to Robin Crosbie and confirmed by Dorr Fox] is high. William Olson agreed, saying he thought with this project, the Trust would be

spending all its money and not receiving much for it. He said he thought the Town needed to receive a lot more for its money.

Ronald Huth, 34 Maple St., said previously they were getting 20 units for \$300K. He said the new proposal of 7 for \$800K doesn't make sense fiscally or for getting to the 10% affordable housing goal. He said there is a strong need for senior housing. Mr. DeFranza could do 20 senior units if he had another family housing project to pair the financing with.

Kate Walker, 82 Ortins Road, asked how much of the \$800K comes from the Community Preservation Committee (CPC) and whether it was financed by the State or through tax dollars. Mr. Fox explained the entire amount would come from the CPC [if remaining \$200K were to be approved] and the money comes from the Town's 2% surcharge on the tax bills.

Mary Beth Lawton, Council on Aging (COA) director, said the Town's 2012 housing plan indicated the best place for senior housing was downtown, and that's where seniors wanted to be, although she acknowledged the COA does offer superior transportation. She said senior housing rental units are what the Town needs and should be concentrating on, although she realizes there's been a shift to include family units. She noted the COA was the single board in Town that sent a letter to the Trust saying they felt 104 units was a reasonable amount of units at Longmeadow. She wanted to see senior units built before the family units.

Carol Schrock, 79 Ortins Road, said it's disconcerting the word "abutter" has become a negative. She said the residents of Ortins Road are a diverse street and not an entitled group who don't want this is their backyard. She said they live close to 1A, close to the high school and middle school, and it is already a busy area. She said the *Boston Globe* ran an article that compared what is happening in Winchester to what is happening here. She said in Winchester, the Select Board was challenging the size and scope of an affordable housing project on behalf of its residents saying it was under attack and was going to lawyer up and engineer up and they would do it together. She said there wasn't a sense here that the Town was doing it together rather than pitting neighborhoods against each other. She said adding 140 or 200 units at Longmeadow would be horrible. Mr. Olson noted the Winchester situation reported in the *Globe* article was an unfriendly 40B project, while Hamilton's is a friendly 40B.

Mr. DeFranza arrived to the meeting at 7:20 p.m. The Trust and Mr. DeFranza discussed that the Hamilton Development Corporation (HDC) had met that morning and said it would convey the property to Harborlight no matter if it were 20 units or 7-8 units. Mr. DeFranza confirmed Harborlight was willing to begin the project with \$600K, provided the appraisal works out, and risk the additional \$200K, which will need a vote by the CPC and at Town Meeting.

#### LONGMEADOW PROJECT—LONGMEADOW WAY NEAR BAY ROAD

Mr. Johnson said the Trust had left the last meeting with 20 units at Willow Street and potentially up to 100 units at Longmeadow on the table. Subsequent to that, Harborlight

had received market research suggesting the viability of a larger project. Mr. Johnson wanted information from Mr. DeFranza about the options.

Mr. Tanzer said he would recuse himself from the Longmeadow discussion since he is an abutter, but first wanted to know what happens if they agree to fund the \$600K, but do not receive the additional \$200K from the CPC for funding the project. Mr. DeFranza said Harborlight would own the site, which it could then give back, sell, etc., but it would not hold. They discussed some details of the “unwind.”

Mr. Johnson noted they needed to address the fact that the money they initially received from the CPC had a deadline [of June 30] and those funds needed to be disbursed by the end of the fiscal year, which was the end of this week.

Mr. Olson clarified that doing 20 senior units at Willow Street and 100 plus or minus at Longmeadow required \$600K. Mr. DeFranza said the number of units at Longmeadow could float up or down based on how much of the site they needed to make that work, as well as what other Town uses were (for example, if the Schools wanted some of the land). Also, it would be done in multiple phases. Mr. Johnson noted the land cost would be allocated in the first phase. They discussed site control issues.

Ms. Crosbie said what she was hearing was that Mr. DeFranza didn’t need the whole site to do what he wanted, but because of the potential legal issues, Harborlight needed a partner in acquiring the site, with the caveat that they could then do 200 units. Her understanding is that there are three parcels in total, one in front and two in the back. They have an acquisition price at under \$3M. There are two homes that could be sold. That would bring it down to \$1.5M. The impediment was that even to move forward with 100 units, there had to be a partner. Mr. DeFranza said no, that Harborlight could do the 100 units alone, but would need to control at least two of the three parcels. While it isn’t the preferred path, he said, Harborlight had talked with for-profit developers and had seen the market research is good for doing a larger project (whatever could be stomachable).

Mr. Olson clarified the market research said the site could hold 200 units and that these would be large buildings with multiple units per building and not town homes. Mr. DeFranza said the developer would “drive the bus,” and his guess is a market-rate developer would develop bigger, fewer buildings.

Ms. Crosbie said the challenge with affordable housing is it doesn’t always equal good planning, which is developing a comprehensive plan and thinking holistically about where that kind of density should be located. She said from a planning point of view, 100 units at that location doesn’t look good to her, but, while that is her feeling, it might not be what the Trust and community want.

Mr. Johnson discussed the idea of going ahead with a project of about 100 units at Longmeadow, but then finding ways to “buy down” the size of the project, for example, by selling off the homes there or finding other uses. The idea was that the variable on the number of the units would be a commitment from the Town. He asked Mr. DeFranza if, with

the passage of time, he could lower his acquisition cost by spinning off individual sites and Mr. DeFranza replied yes. He said if the Town noted the number of units it would commit to, Harborlight could then work within that deal.

Mr. Olson asked about planning, whether local architects would be used. Mr. DeFranza said yes, they usually use local architects and gather input from the Town departments and the abutters, incorporating their feedback. While that is normal for his organization, he said, it isn't necessarily the norm for others.

The Trust discussed that the numbers previously decided upon (20 units at Willow Street and 40 at Longmeadow) were the right direction for the Town and perhaps they could get to something like that while staying within the money they had already allotted to the project (\$600K) and not having to go back to the CPC for the additional \$200K. Mr. Johnson implied that might be a more responsible move than spending more money on Willow Street project than they actually have. He asked Mr. DeFranza what it would take to flush that out as far as the timing.

Mr. DeFranza asked, "As a technical matter or political matter?" He said technically it wouldn't take long at all, but it would involve the Trust putting into an agreement what its cap number of units would be, what rights it wanted to take back the size down to a particular floor. Mr. Johnson speculated that coming up with something that reflected the size and scope the Trust wanted might take two to three meetings.

Mr. Tanzer noted there was a restriction on \$250K in grant money [of which \$200K remains] that it not be spent on Longmeadow, so that money needed to go toward the Willow Street project. Mr. Fox clarified the Trust would not have to go before the Board of Selectmen (BOS) for approving the grant agreement.

Ms. Crosbie asked more about the concept of "buying down"—For example, if the Town decided after Phase 1 of the project that it wanted to limit the next phase, what would it do? Mr. Johnson said the Town could pony up and buy the property. There is a long history of using Curt Miller's fields for sports... Ms. Crosbie said this would give the Town time to think regarding municipal uses. Mr. Johnson said this would give Mr. DeFranza the go-ahead to move forward and to have a range within to work.

Ms. Crosbie asked Mr. DeFranza if he would allow the Town the right to initiate a request for acquisition at a fair market value. Mr. DeFranza said yes, that would be fine. She said this brings them back to the issue of whether or not the Town wants to buy the land and allows the Town time to cogitate on that. Mr. Johnson commented it did more than that; it allowed Mr. DeFranza to lower the size of the project.

Bill Shields, 721 Bay Road, said a week ago Mr. DeFranza said he had three options: 40 units at Longmeadow, 100 units at Longmeadow, or perhaps do something with a private developer. He said that he couldn't do option one, and he didn't want to do two or three. Now, a week later, Mr. DeFranza had written in an open email to David Wanger [of the Finance Advisory Committee (FinCom)] that he was going to go to a private developer and

do 200 units unless the Town can get its act together on Gordon-Conwell. "That's why these people are here," he said. He said they needed information and suggested asking Mr. DeFranza and Mr. Miller questions about what they want to do there. He said previously they have asked for site control documents that have never shown up.

Susan Lawrence, 105 Rock Maple Ave., discussed the history of what had occurred over the past couple of years. She noted if they had a Town-owned site it wouldn't cost the residents this kind of money. If there were some other Town-owned land, how many units would Mr. DeFranza do? He answered that the location didn't matter. The project would be in the 20- to 40-unit range. If there were two small sites and nobody was going to appeal, they could do a project that was 20 units and 20 units.

Ms. Walker asked how the Trust could consider a large project as "friendly." She talked about the additional costs to the Town residents, even at 40 units, for example, the cost of schooling those living there.

Mr. Huth asked how many units would be in Phase 1. The answer was 35-40 units. He said he thought it was a smart move and a gracious response from Mr. DeFranza and didn't see why they wouldn't go ahead with it.

Richard Bursaw, 64 Ortins Road, noted they keep discussing two homes, but he said there are actually three homes on the Longmeadow property. He said if the front two parcels were developed, he doubts they would be able to find a buyer for the Miller house in the back. He also asked what septic analysis had been done to determine what is sustainable on the properties. Mr. DeFranza replied the only analysis they did was soil boring and a perc test, which wasn't certified by the Board of Health. Based on those tests, there was a capacity for doing 108 units. If they wanted to do 200, they would have to check about that. Mr. Bursaw asked why they wouldn't want to know that number up front. Mr. DeFranza noted septic capacity isn't something that can be waived by a 40B. Also discussed was that 40B can't get around requirements involving environmental setbacks and wetlands.

Nathanial Carter, 11 Ortins Road, a relatively new resident with young kids, said he was worried about Ortins Road becoming a secondary access road. Ms. Crosbie said the ZBA would be the permitting authority on that. He said he was upset about a lack of public outreach and information. He said it wasn't easy to get the information on the website and everything there was hypothetical. He was concerned about having a high-rise in his backyard. He wanted the Trust to remember this issue wasn't about business, it's about families.

Mr. Johnson noted that when 108 units at Longmeadow was discussed a couple of years ago, there wasn't a mention of a second entrance. He said over the last two years, they had been trying to look at different sites all around Town and things kept falling apart.

Eric Sabo, 59 Ortins Road, asked how a high-density project over a 10-year period would be good for the Town, and if seeing a housing mall next to the high school might drive families away. Also, he's a teacher and didn't think all the construction going on over a 10-year

period would be conducive to learning. Mr. Olson corrected Mr. Sabo's mention of 200 units and stressed they are trying to find a way to plan less than 100 units. Mr. Tanzer said nobody knows what's going to happen. He brought the discussion back to Willow Street.

Ms. Crosbie said it was frustrating, and the Trust wouldn't be in this situation, if it were possible to build the 40 units on the front site and not sustain multiple lawsuits. That's an area where frankly many of the abutters are contributing to this issue of 100 units and kind of pushing them in that direction, she said. Mr. Johnson agreed the likelihood of lawsuits was pushing the projects larger than the Trust wanted them to be, but that wasn't the only factor in this.

Mr. Olson said he wasn't in favor of the 7-unit project at Willow or of building 100 at Longmeadow. He said he'd be in favor of putting some specifics on the table about the idea of raising money, or using Town funds, to buy down the size of the project at Longmeadow.

Mr. Johnson said site control and having a development plan in place are important. He said he thinks if they do 40 units or up to 100 and put that in place, it wouldn't have to go to Town Meeting because it is within the Trust's authority. It would give Mr. DeFranza the ability to start developing plans and would give them the ability to say how they can manage the project down to something more palatable.

Mr. Olson proposed perhaps the Town could "buy back" some now, perhaps raise money to buy the project down from 100 units to 90 units, to show good faith that they're moving in the right direction. Mr. Fox said that would mean the Trust needed to act fast. With Fall Town Meeting happening in October, the CPC will be looking at applications in July, which are coming in now. The CPC only has \$500K in reserves so they would have to discuss bonding. Ms. Crosbie said what she was hearing was the idea of setting aside money and there are other funding options within the Town, outside of the CPC.

The Trust decided they should move toward a motion regarding Willow Street. They discussed that technically they had already voted and signed a grant agreement to fund the 59 Willow Street project and do not need to take further action, but they decided it was important to re-affirm their previous action and commit the funds so they do not miss the June 30 deadline.

Mr. Tanzer asked if his conflict of interest regarding participating in Longmeadow discussions played into him signing an agreement for Willow Street. Mr. Olson noted that Willow Street was being unofficially coupled with Longmeadow, so that if Longmeadow didn't go through Willow Street wouldn't go through. Mr. Johnson said he thought the decision was up to Mr. Tanzer, but he thought Willow Street was far enough away that it shouldn't pose a problem. It was pointed out that Mr. Tanzer had previously signed the grant agreement for Willow Street.

**Decision:**

Mr. Johnson made a motion that the HAHT affirm its December 20, 2017 vote of committing \$300K to the 59 Willow Street project under the already signed grant agreement and that

the HAHT immediately fund the project on June 30, 2018, which is the end of the fiscal year. Mr. Olson seconded the motion. The HAHT voted unanimously among those present (4-0) to approve the motion.

Ms. Crosbie asked Mr. Fox to work with Finance Director Marissa Batista about issuing the money. She noted information on warrant articles had to be in before Aug. 6 when the BOS would start reviewing them.

Mr. DeFranza said Harborlight would hold the \$300K and not spend it. He also said it would be possible for them to pivot back to the 7-unit project if that were the wish.

Due to open meeting laws, Ms. Crosbie said it might be helpful if everybody sends their comments to Mr. Fox, who would funnel their comments to Mr. Johnson. Mr. Johnson said he will work with Mr. DeFranza in coming up with a structure for the Longmeadow agreement. Ms. Crosbie said the Trust members should provide their input A.S.A.P. Mr. Tanzer said he would be making no comment regarding it, as he has recused himself.

Sallie Felton, 719 Bay Road, said she and her husband had coffee with Mr. DeFranza that morning, and she wanted to direct comments to Mr. Miller. [He had left the meeting.] She said she's been a neighbor of his for 44 years and knows he will develop that property and get as much as he can for it. The Glovsky & Glovsky [law firm] letter that Mr. Miller had presented said if Mr. DeFranza doesn't develop that property, he will do it. Mr. Miller is holding the cards and holding them hostage, she said. She doesn't see how Mr. DeFranza can do the project at under 200 units because he will be incurring two lawsuits.

Bob Curry, 713 Bay Road, said Mr. Miller was going to have a hard time selling the property as it is water-saturated. He discussed water issues involving flooding at the bottom of Margaret Road and issues with the Miles River, noting State Senator Bruce Tarr and State Representative Brad Hill had recently come to a BOS meeting to discuss the problem. He said what's happened to the Miles River is an increased concentration of plant matter and now it's slow-moving, so when snow melts, the water backs up and flows very slowly into the Ipswich River. He also wanted to say something in support of people who live along Ortins Road. He said the houses were purchased there with an understanding that that land could never be divided. Once Mr. Miller got approval to divide the land into three lots, there was a prohibition that the lot couldn't be further divided. That is what they were told, but the fact is, the land can be divided.

Mr. Carter asked about affordable housing numbers. Mr. Tanzer replied the Town had a production plan for affordable housing and the expectation was to develop 14 deed-restricted units per year. They were behind by 60 or 70. The 10% number they needed to reach was about 280 units, and they are about 100 short. Mr. Carter wanted to know what the penalty was if the numbers aren't met. Mr. Johnson said the mechanism was that developers can file a PEL [Project Eligibility Letter] with the State and get authorization to proceed. They would then go before the Town's ZBA. The State will give more deference to the ZBA if the Town has met their affordable housing goals.

Mr. Tanzer noted not much had been done regarding affordable housing, not only in the last two years, but also in previous years. Also, Mr. Johnson noted there is a lot of open space in Town, so the Town is currently a ripe target. Mr. Johnson said currently the Town buying land to preserve open space is hard to do. Mr. Tanzer also commented that much of the Town's land is wet, so there's not a lot of buildable area. Mr. Johnson mentioned land owners can put their land into conservation and then not have to pay taxes on it.

Discussion continued with Ortins Road residents saying they were unaware at the time they purchased their homes that the land could be further developed. They also talked about friendly vs. unfriendly 40B development.

Norman Cramer, 4 Forest St., said he sympathizes with both groups, but mostly with the Trust, who has difficult decisions to make. As far as he understands, they have three options: #1) 7 units at Willow for \$800K; #2) 20 units at Willow and 100 units at Longmeadow; #3) don't reach a decision and a developer can come in and do what it wants pretty much. So, no matter what the Trust decides, part of the group will be unhappy and may file a lawsuit.

Mr. Olson noted Option #1 (doing the 7 units at Willow) also had the same effect as #3.

Mr. Shields said the Trust had previously voted not to do 100 units at Longmeadow, the BOS voted not to do 100 units at Longmeadow, and the FinCom voted not to build 100 units there. The reason the Town can't do the 40 units is because Mr. Miller controls the driveway and said he won't get his money back if they do under 100 units. He wanted to make it clear that Mr. DeFranza said he could go to another developer and do 200 units.

Jack Lawrence, 105 Rock Maple Ave., said if Mr. DeFranza steps back and pulls out, a private developer will come in and build a few dense buildings in the cheapest, fastest way possible. He said there wasn't any commitment from Mr. DeFranza. The Trust said that Mr. DeFranza had just said the exact opposite and that's why they are working to come up with an agreement. Mr. Lawrence said that isn't a commitment. He added that the Town could buy the property from Mr. Miller, which he felt was extortion, but said the Town could do it. Otherwise, if they lose the property, the Schools won't be able to expand, he said. He added it would be a huge responsibility if the Town had to take on educating all the children in the units there. He wanted the Trust to sit down and do some planning and find options.

#### OTHER BUSINESS

The Trust set its next meeting for July 10 at 6 pm. They will have a further discussion about shaping a potential project at Longmeadow, gathering more input, and coming up with the terms.

#### ADJOURNMENT



Mr. made a motion to adjourn the meeting at approximately 9:27 p.m. Mr. Johnson seconded the motion. The Trust voted unanimously among those present (4-0) to adjourn the meeting.