

HAMILTON COMMUNITY PRESERVATION COMMITTEE

MINUTES OF MEETING

Aug. 9, 2018

Members Present: Chair Jay Butler, Ed Howard, Robert Preston, Allison Jenkins, Mimi Fanning, Neil Duggan, and Janel Curry

Members Absent: Chris Currier, Katherine Mittelbush

Coordinator: Dorr Fox

Chair Jay Butler called the Community Preservation Committee (CPC) meeting to order at 7:03 p.m. with a quorum present.

Minutes

Ed Howard made a motion to approve the July 26 meeting minutes as presented. Robert Preston seconded the motion. The CPC voted unanimously among those present (7-0) to approve the minutes.

Committee Member Reports

Allison Jenkins said the Board of Selectmen (BOS) had chosen a finalist as new Town Manager and was negotiating the contract.

Mr. Howard said the Historic District Commission/Historical Commission has three vacancies with four qualified applicants. The plan is to submit the four names to the BOS and create a position for an alternate; this will be on the Aug. 20 BOS agenda.

Janel Curry is the recently appointed new member of the CPC representing the Planning Board. Mr. Butler welcomed her. She had been out of town so did not have anything to report.

Mimi Fanning did not have anything new to report regarding the Housing Authority.

Mr. Butler said tonight's focus would be on reviewing CPC funding applications for four projects.

Funding Application: Renovation of Basketball Courts in Patton Park, Bay Road

Hamilton Wenham Recreation Director Sean Timmons discussed his plan to renovate two basketball hoop systems, which included removing the existing systems and installing new poles,

backboards, and rims, and making them regulation size (10-feet). Youth Basketball will be contributing about \$2K to the project. The courts are heavily used and a great resource for Patton Park's summer program. Mr. Timmons said he maintained his \$10K request that includes installation, which won't be for another eight months or so.

Mr. Butler said they would need to put a condition on the grant that it be initiated by a certain date. The date selected was July 1, 2019.

Rosemary Kennedy, 61 Rust St., said her nephews love to play basketball, but the hoops are too high for them. She wondered if they could be adjusted so younger kids can play. Mr. Timmons said if the hoops are lowered, older kids tend to hang on them and bend them, but he will look into the idea.

Decision:

Mr. Preston made a motion to approve funding the project as stated with the condition it commence by July 1, 2019. Ms. Curry seconded the motion. The CPC voted unanimously among those present (7-0) to approve the motion. .

Funding Application: Hamilton Affordable Housing Trust (HAHT) Request for Funds for Longmeadow Way Project

Dorr Fox explained the HAHT applied for a \$200K grant, but the amount could go higher. The Trust has been working with Harborlight Community Partners to do two projects: 20 units of senior housing at Willow Street and another project at Longmeadow Way near the high school with family housing units. Harborlight needs two projects to get tax credits from the State and make the projects affordable. The Trust has \$600K (with \$300K going to Willow Street and \$300K to Longmeadow). The hope is that with a CPC subsidy, ideally the size of the project would go down, which would be better for the neighbors there. With a \$200K subsidy, the project would be reduced from 100 units to 89. There are also two houses on the property that can be sold with the money also going to reduce the project size. For every \$25K the Town can invest, there would be one less unit. The project would never fall below 48 units, but if no additional funds are granted, it would be 100 units. It is an affordable housing project, not an open space project.

Selectmen William Olson, a member of the HAHT, said the Trust wanted the decision to be a community dialogue. More money given to the project will make it less dense. They want a great project that would work well for the Town.

Marc Johnson said the Trust had been working to find out what the community wanted and found it wants smaller projects spread throughout Town. The State's priority is affordable family housing while the Town needs affordable senior housing. He reviewed the history of the project with Harborlight and the structure that he said will get more refined over time and give the Town the unilateral right to make the project smaller. The cost per unit is very affordable. It's a community decision and the Trust wants the BOS and CPC to chime in.

Mr. (William) Olson said when they looked at affordable housing in surrounding towns, some towns donate more than \$100K per unit. The average cost per unit with this project would be under \$30K.

Responding to a question from Ms. Curry, Mr. Johnson said with the \$200K grant, the maximum number of units would drop to 89, but then things could happen later to reduce the size further, including accommodating the Schools should they have a need for a portion of the property.

Mr. Preston said he understands from what has been said that if the CPC doesn't finance this project, it does not go to Town Meeting for vote. He characterized it as a gun to the CPC's head regarding 1) coming up with the money to buy down the project to what may be acceptable in the community and 2) making sure they [the CPC] are the ones who make the decision about putting Town money into the project. Thirdly, he said it is his hope that the Trust had taken out the clauses from the agreement that would allow CPC grant money to be used to protect the Town from lawsuits brought up by community members protecting themselves from this project.

Mr. Johnson said Town Counsel Donna Brewer recommended falling back on the language of what is in the CPC charter as far as what the grant monies can be spent for. There is no law that would support Harborlight using the grant money to sue the Town should it wish to do so. There are some legal fees that are standard in almost all projects. It was questionable, though, if the abutters decided to fight the project, if the Town could use the money to protect the Town's interests.

Mr. Preston asked what would happen if the CPC didn't vote the funds or it did vote the funds but Town Meeting then voted that down. The choice would be that there might be 100 units there as a max, or there could be a much larger number of units [perhaps 200] going there if they did nothing.

Mr. Johnson said the options are to engage with Harborlight or let them work it out with the Zoning Board of Appeals (ZBA). He said next Monday they will find out if the BOS is on board or not. He said the project isn't dissimilar to other large projects, such as Sagamore Hill.

Mr. Butler noted on a previous CPC grant, the citizens at Town Meeting had requested a restriction that funds cannot be used for Longmeadow. He asked what would prevent that from happening again. Mr. Olson noted this was different in that it was a specific request for funds to be used for Longmeadow.

Mr. Jenkins said she did the math—to get to 48 units at Longmeadow and 20 at Willow Street, the Town had to come up with \$1.8M. Mr. Johnson said it was more like \$1.6M. She said she wanted to look to the needs of the residents. To her knowledge, 10% of the units would go to homeless individuals and the rest to those with income levels at 60% of AMI (Area Median Income). This wasn't workforce housing [80% of AMI], she noted. Also, with all the unknowns,

she said she didn't know how they could vote. They do not know what will be built there if they contribute the \$200K.

Mr. Johnson said the BOS had worked with Harborlight to understand its mission and decided the organization was a fitting partner. Ms. Jenkins discussed some of that history and said the BOS voted for housing under 24 units, not 100 units as was being considered now. She said according to the census, Hamilton does not have a homeless population. Her point is that this project wasn't meeting the needs of the residents.

Mr. Johnson said there was a broad range of incomes in Town and not everybody is home secure. The beauty of rentals is that a lot of seniors will quality because it doesn't consider assets.

Ms. Jenkins noted Hamilton didn't have the public transportation to meet the needs of lower-income residents.

Kate Walker, 89 Ortins Road, said affordable housing is populated through a State-wide lottery and there is not a local preference. Mr. Fox argued there would be local preference, as there had been with other affordable housing projects in Town. She said the community wasn't being given a chance to vote on the project, it was only getting a chance to vote down the size of the project. She said to get to the 48 units, the Town needed \$1.525M and how would the Town raise those funds? She said she didn't think she could afford the extra tax cost of adding those residents and educating the children living there. These would be outside residents coming in, she said, and there are no limits on density or income threshold. She thought asking the Town for \$200K wasn't appropriate; she felt it should go to Town Meeting for a vote on the full, real cost of the project.

Ms. Kennedy discussed a Letter to the Editor she had submitted. She discussed that cost mitigation ought to be considered and it wasn't in this case. She said Hamilton has stated it wanted to provide workforce housing [80% of AMI]. This didn't achieve that. She said a PEL application demands a statement from the Town that the development supports what the Town needs and wants. She said she strongly wanted to encourage the CPC not to award the money. She said developers aren't sharing in the costs of the development to the town. This is why many communities are resistant. She noted 20% of homeowners spend greater than 50% of their income on housing alone. The reality is that many homeowners are hanging by their fingernails financially and it is unfair to add the cost of affordable housing onto that. In some cases, developers are required to provide mitigation money. She said that's how towns should be doing it. She said the particular funding mechanism used would require a population with a very low income. Also, the rate of local preference was low, and they don't know the timeline or total budget for the project. She said the project should meet the needs of Hamilton residents, provide mitigation, and pay market-rate taxes. She said the Trust hadn't outlined specific objectives for the project, as asked for on the application. Regarding the Willow Street project, she read some Hamilton Development Corporation (HDC) minutes from 2016 related to septic and groundwater issues downtown and the impact there. Mr. Fox said the HDC did do a perc test (although not

certified by the Board of Health) for 59 Willow St. and the perc test came back that the septic there could handle 30 bedrooms.

Mr. Johnson noted the Trust was not a developer and views itself as being responsive to the project in front of it. The CPA has 10% to allocate for affordable housing. He said the Trust had had a two-year process of looking elsewhere. He said what Ms. Kennedy was describing was a LIP (local initiative project) not a PEL (project eligibility letter). He said this proposal would give the Town control to shape the project.

Ms. Jenkins wondered if the project could be conditioned so the funds could only be used for construction costs, rather than for other costs.

Robert Borsetti, 746 Bay Road, brought up the issue of using grant money for litigation against the taxpayers. Ms. Jenkins said Legal Counsel did not believe that a valid expense for the money.

Carol Schrock, 79 Ortins Rd. resident, described the Ortins Road neighborhood as diverse as opposed to how it was being characterized. She described an affordable situation in Winchester, in which the BOS in that town were backing the residents. She said she didn't think the Trust was making sure the residents' needs are satisfied here.

Eric Sabo, 59 Ortins Road, said he kept hearing the word partnership and didn't think it was the case with Harborlight, who has all the cards and is "holding the Town hostage." Nobody knows what the units are going to look like and who will be living in them. They haven't brought up the environmental impacts on the wells there. Where would the water come from? Water is essential for life. There is a water ban now. There was a discussion about the Town's water plant and Mr. (William) Olson noted the plant was being improved.

Decisions:

Ms. Fanning made a motion that the CPC take a vote. The CPC voted unanimously among those present (7-0) in favor of taking the vote.

Mr. Preston made a motion the Town appropriate \$200K from the CPC to fund a grant from the HAHT to enable the creation of affordable housing on the parcels of land at Longmeadow Way near Bay Road. Ms. Fanning seconded the motion. The CPC voted 1-6. The motion did not pass.

Mr. Butler told the Trust it was welcome to come back in the spring.

Funding Application: Removal of Nuisance Vegetation in Weaver Pond, Patton Park, Bay Road

Conservation Commission (ConsCom) Coordinator Jim Hankin made a presentation with Mike DeRosa of DeRosa Environmental Consulting. They had presented a grant application for \$17K, which was the estimate to apply an herbicide treatment and perform hydro-raking at Weaver Pond. Mr. DeRosa said eight years ago they undertook the restoration of the pond. At that point

you could almost walk across it because of nuisance vegetation. They are proposing the same plan used last time. He discussed the process and said the project would take approximately a week.

Ms. Jenkins inquired about the chemicals and keeping kids safe. The response was that the work would be posted. The chemical is an herbicide that doesn't affect anything but plants. Fish aren't affected nor would children be unless they ate the plants.

Decisions:

Mr. Howard made a motion the CPC vote on whether to fund the project. Mr. Preston seconded the motion. The CPC voted unanimously among those present (7-0) to take the vote.

Ms. Fanning made a motion to approve funding \$17K for the removal of invasive species in Weaver Pond with a condition the project commence by Nov. 1, 2019. Ms. Curry seconded the motion. The CPC voted unanimously among those present (7-0) to approve the motion.

Funding Application: Restoration of Cannons in Patton Park, Bay Road

Mr. Fox explained the cannon wheels have been restored and are waiting to be put back on, but the cannons are also in need of restoration. The estimate for having the work done professionally by Cassidy Brothers is \$5,500.

At the last meeting, the CPC discussed other funding sources. Ms. Jenkins said she looked more into the issue of whether it was appropriate to solicit and accept citizen donations for municipal projects. While it can be done, a more appropriate route would be to have a friends group handle it—in this case the Historic District Commission might be the appropriate body, she said. However, the Commission is on vacation until September. There is a grant option through the Mass Historical Commission, but they wouldn't be able to apply for it until December, and the grants aren't announced until February and aren't awarded until July 1.

Hugh Gist, the Boy Scout who painted the tank in Patton Park, was present. He had raised a significant amount of money for the purpose of painting the tank and had money left over. He wanted to allocate some to Hamilton's VFW and some to the Town for the purpose of restoring the cannon. Mr. Fox said it was determined OK for the BOS to accept the donation as a gift to the Town.

Mr. Butler suggested the CPC go ahead and approve the \$5,500 grant and pay it out against receipts as they come in. If there are monies left over, they can be recouped by the CPC.

Decision:

Mr. Preston made a motion the CPC approve funding the project with the condition the effort commence by July 1, 2019. Mr. Howard seconded the motion. The CPC voted unanimously among those present (7-0) to approve the motion.

Review of Open Grants

Mr. Fox gave the following updates:

- **Senior Center Balustrade:** The project has come toward the top of Department of Public Works (DPW) Director Tim Olson's priority list.
- **Patton Park Cannon/Wagon Wheels:** Discussed previously in the meeting.
- **Historical Society Pictorial Collection:** No changes. The Society is on vacation for the summer.
- **Patton Estate Roof Replacement:** The project is out to bid. The CPC invited Mr. (Tim) Olson and Carin Kale to the September meeting to give a status report. The bids are due next week, according to Mr. Howard. He wondered where the decision came from that they needed a new roof. Mr. Preston said five years ago there were ice dams and the roof leaked. Mr. Howard was still concerned the skylights could be covered over and would leak. Also, he thought the price was high. Ms. Jenkins said she would look at the specs and narrow down the ample amount of information to see what was planned.
- **Buker School Playground:** No update.
- **Habitat for Humanity Houses:** The houses are nearing completion.
- **Brooks House:** Out to bid.
- **Town Hall OPM:** Mr. Butler reported the Town Hall Building Committee received four proposals. They picked two to come in for a more detailed session and recommended one they met this morning. They had a walkthrough of the Topsfield Town Hall, which he said was similar to Hamilton's. The company the Building Committee chose was the OPM for Topsfield. After the contract is signed, they will start with the feasibility studies on structural integrity. The project has \$175K in funding so far (\$100K from the Town and \$75K from the CPC). The OPM had agreed to segregate the work designated as "historic" in tracking the funds. They will be coming before the CPC for another grant in the spring. Mr. Howard passed along a card to Mr. Butler from an Administrative Clerk for the ConsCom in Essex who had said she might arrange a tour of the Essex Town Hall.
- **Knotweed Removal Program:** Check was just signed.
- **Master Plan (Housing Element):** Out to bid.
- **Affordable Housing:** Discussed at length earlier this evening.

Other Business

- Publicizing CPC Successes—Mr. Fox pointed out they have some documents to sign for the order.

Mr. Preston said he needed to leave the meeting and left.

Adjournment

Mr. Howard made a motion to adjourn the meeting at approximately 9 p.m. Ms. Fanning seconded the motion. The CPC voted unanimously among those present (6-0) to adjourn the meeting.

Mary Alice Cookson

Attest

Date