

Hamilton Affordable Housing Trust
August 14, 2018 – 6 p.m.
Hamilton, MA

HAHT Members Present: Chair Russ Tanzer, Marc Johnson, William Massos, and William Olson

Interim Town Manager: Robin Crosbie

Town Staff Present: Hamilton Community Projects Coordinator Dorr Fox, Director of Planning & Inspections Patrick Reffett

Chair Russ Tanzer opened the Hamilton Affordable Housing Trust (HAHT) meeting at 6:10 p.m. with a quorum present.

MINUTES—JULY 31, 2018

William Massos made a motion to approve the July 31 minutes. Marc Johnson seconded the motion. The Trust voted (4-0) to approve the minutes. William Olson had not yet arrived.

DISCUSSION OF LETTER OF SUPPORT FOR HAHA (Hamilton Affordable Housing Advocates) FOR CHAPA (Citizens' Housing and Planning Association) GRANT

The Trust agreed to take this agenda item out of order.

Anna Siedzik, 227 Highland St., had asked at the last meeting for a letter of support from the Trust so her group, HAHA, may apply for a CHAPA grant, a municipal engagement initiative. She has also sought support letters from the Council on Aging (COA) and Hamilton Development Corporation. CHAPA is an organization offering technical support to advocacy groups to help further affordable housing goals. There is no monetary exchange. The application deadline is Aug. 20.

Mr. Tanzer asked Ms. Siedzik if CHAPA was a State or quasi-State agency. She replied no, it's a nonprofit. She read some information on CHAPA. Mr. Massos was also familiar with its work. He thought it was a national organization and this was a grant through the Massachusetts Chapter. Ms. Siedzik read the grant requirements, saying the organization could provide HAHA with some assistance in engaging the community.

Mr. Tanzer wondered if there were a way to quantify results from other communities. He noted the Trust doesn't have any true authority to cut a development deal loose or to approve it. It only makes recommendations. He said he thought education was critical and because the Trust had been spinning its wheels, he said he would welcome the help.

Mr. Johnson said Dorr Fox had written a strong letter of support and asked if there were any reason not to sign it. Ms. Tanzer noted a misspelling of his name that needed correcting before signing.

Ms. Siekzik said HAHA members weren't housing advocates, per se, but concerned citizens. This grant would give them access to advocates who are used to coalition building in a contentious market who can help them develop a more effective marketing strategy. Mr. Johnson said a coalition would be great, but information was good enough.

William Olson, who arrived to the meeting during this discussion, said he was in favor of signing the support letter.

Kate Walker, 82 Ortins Road, had concerns about the HAHA charge. She said Ms. Siedzik and other members of HAHA have made public comments in the newspaper and on Facebook that seem to blame abutters for resistance to affordable housing. She said there are untruths floating around that she feels HAHA members are fueling. She had concerns about the Trust supporting the group.

Mr. Johnson said the interactions of HAHA had been based on facts and getting information out to the public.

Robert Borsetti, 746 Bay Road, said when this idea was first presented, he was for it. But then he became worried about a national organization perhaps influencing local Town politics. He thought there might be a bias in the information distributed. He wasn't opposed to HAHA bringing the group in, but didn't like the Trust endorsing it.

Mr. Massos commented CHAPA was pro-affordable housing and the Trust's mission is pro-affordable housing. He said he had been to conferences and did not believe CHAPA got involved in grassroots efforts in support of any specific development. Mr. Olson said CHAPA wasn't a lobbying group, they are a resource. Mr. Borsetti said he questioned their agenda.

Ms. Siekzik said HAHA would not want a group interfering with local politics either. CHAPA will just be offering tools and information HAHA doesn't currently have.

Mr. Johnson commented the Trust would have the ability to read whatever materials are produced. The Trust's general opinion seemed to be that knowledge was a good thing. Mr. Tanzer commented it was something needed if the Trust was going to continue on the path it's been on for the past 10 years.

Mr. Ron Huth, 34 Maple St., had attended a full-day event held by CHAPPA at Bentley University last spring. He said nobody talked about any specific developments; there was simply talk about how to support affordable housing in general.

Decision:

Mr. Johnson made a motion to approve the letter of support Mr. Fox had drafted. Mr. Massos seconded the motion. The Trust voted unanimously among those present (4-0) to approve the motion.

DHCD (Department of Housing and Community Development) POLICY REGARDING RESTRICTIONS ON AGE-RELATED HOUSING

Director of Planning & Inspections Patrick Reffett said the issue was more than a policy change. In late 2015/early 2016, the Planning Board had approved Canter Brook (senior housing) by special permit. As a result, two units are required to be affordable, deed-restricted, and included in the ordinary lottery process.

The DHCD has advised cities and towns it has a longstanding stance to oppose restrictions within senior housing developments limiting the affordable units to seniors, and in fact, making the age-restriction illegal. Therefore, the developer will be coming back to the Planning Board on Sept. 4 to address how those affordable units can be handled/paid for. While the Town cannot demand that the two affordable units be senior housing units it can require 1) there be off-site units, 2) land or 3) payment in lieu. The third approach was used with the Patton Ridge project.

The developer would like the Trust to consider the gift/requirement of a \$292K payment in lieu of the two units. The Planning Board has the ability to accept the request or demand land or that two units be built off-site. The Board may ask for a better price than what was included in the developer's letter. That number was based on the formula in the Planning Board's bylaw, which is basically two times 80% of the area median income for a family of four. That's the way the bylaw is set up. However, Mr. Reffett noted that is a dwarf number compared to the price of purchasing land or developing the off-site units. He would like the Trust to advise the Planning Board of its thoughts between now and Sept. 4.

The Trust decided to address the issue now (since it doesn't meet again until Sept. 5), discussing that the units have to be comparable to what's being offered there now and it would be faster and easier for the developer to give the Trust money.

Mr. Tanzer asked if the Trust would be able to set a deadline on when the off-site units would need to be constructed. He was told yes, there was an ability to impose some guidelines and not leave it open-ended. The units have to be deed-restricted in perpetuity and go through the ordinary lottery.

Mr. Johnson said he would prefer the cash option. He noted that if they had to do just 7 units at Willow Street as opposed to the planned 20 [due to things potentially changing with funding as a result of what may happen at Longmeadow], that money could go toward that. His choice was cash first, units second, and land last. Mr. Tanzer argued that money in the bank doesn't provide a roof over someone's head. Mr. Johnson said what is preventing the Trust from moving forward is money, whether that is for Willow Street or Longmeadow. The Community Preservation Committee (CPC) has told the Trust it does not

have deep pockets. Mr. Massos suggested proposing an either/or option—either the developer provide two units off-site or x number of dollars.

Ms. Crosbie asked how many units are permitted at Canter Brook. Mr. Reffett said 23. She asked if, after making the gift, the developer would still have 23 units. He replied yes. Therefore, she said, the developer would be making money as a result of having the additional two units at market-rate included on-site. Those units have a value, and the developer could donate what the profit would be on them. Mr. Olson said that's basically what's done by following the formula.

Mr. Tanzer said the idea of asking for more money might be the best way to go. Also, the Trust might advise the Planning Board to revise the formula used in the inclusionary bylaw.

The Canter Brook construction is set to begin Nov. 1. Ms. Crosbie asked Mr. Reffett for a guess of what the homes will be sold for. Mr. Reffett guessed \$550K to \$650K.

Planning Board member Rick Mitchell said the affordable units might be smaller in size and of lesser quality than the rest of the units. Mr. Mitchell said coming up with a number was subjective, he thought the Trust should come up with it.

Decision:

Mr. Johnson made a motion the Trust write a letter to the Planning Board recommending the Canter Brook developer make a payment of \$650K instead of providing two affordable housing units. Mr. Massos seconded the motion. The Trust voted unanimously (*5-0) to approve the motion. *The vote included Ms. Crosbie.

LONGMEADOW PROJECT—LONGMEADOW WAY NEAR BAY ROAD

Mr. Tanzer recused himself from the conversation because he is an abutter.

Mr. Olson summarized what happened at last night's Board of Selectmen (BOS) meeting. The Trust had asked the BOS for direction regarding the Longmeadow Way project and making it smaller. The BOS's recommendation was to find a way to do it, wait until spring, and come back with a real cost and real project to presented. He noted they couldn't control the timeframe, which was dependent upon Harborlight.

Mr. Fox said Mr. DeFranza of Harborlight Community Partners was having a meeting on Aug. 27 to make a decision and had thought spring was too long to wait. The thought was that Harborlight might move forward with a PEL (project eligibility letter) before that. Mr. DeFranza had said in a letter he was concerned about lawsuits. He was open to bringing the project down to 40-50 units, but he needed to have some use of money for legal costs.

Mr. Johnson said that the beauty of waiting until spring was that it allowed them time to get the facts out prior to Annual Town Meeting (ATM) and figure out the design that would be acceptable to the Town.

Mr. Massos clarified that if the Town gave Harborlight \$1.2M, Mr. DeFranza would do the project at the smaller [40-48 unit] size.

Ms. Crosbie noted the Trust could bring the project to Special Town Meeting (STM), but not have it fall under the CPC for funding. For example, free cash might be used. As part of the presentation, the matrix could be presented to say x money gets the project to x size. Mr. Olson said the BOS hadn't wanted that. It wanted the cost and size defined.

The Trust discussed that if the warrant article failed at STM, it could be brought forward again in the spring at ATM. Bringing an article to STM would put pressure on Harborlight to define the ask and the project.

Mr. Massos brought up as an aside that if they allowed Harborlight to build 100 units, it gets them further to their goal for affordable housing. It is a bit convoluted to pay \$1.2M to only have 40 units, he noted. However, it was brought up by various parties that the way things stood, the Town could be facing 200 units going there, which would also further the goal, but wasn't what the Town wanted.

Mr. Johnson asked Mr. Reffett if 20 units at Willow Street can still happen as senior rentals, in light of the DHCD letter. Mr. Reffett said he and Selectman Scott Maddern had asked about that and the State was non-committal.

Mr. Mitchell discussed some history of the Town and brought up the cottage housing bylaw, which was brought to the Town. It was misconstrued to be affordable housing and went down in flames at Town Meeting. There might be a parallel here of too much, too fast, too soon. The Master Plan is going to be looking at this issue soon so they can have a fact-based discussion. His fear is that if this comes to STM, the community will resist it.

Mr. Johnson said perhaps they need to risk getting turned down and learn from that if they want to take control. Ms. Crosbie said they could withdraw the article if Harborlight isn't prepared. It would also provide a gauge for Harborlight about what the community wants.

Patricio Khuriyeh, 69 Ortins Road, asked what guarantee the neighbors have that Harborlight isn't going to open up Ortins Road as an access road. Mr. Olson read a letter from Mr. DeFranza that implied they wouldn't open it up if the residents supported the project (in other words, didn't sue them). Mr. Khuriyeh also inquired if the \$650K voted on earlier could go toward the buying down of the units at Longmeadow.

Mr. Johnson said the idea was for the Trust to contribute more at Longmeadow to have more control. Mr. Massos said another way to view the contribution was as the Trust trying to respond to the needs of the community for a smaller project.

Ms. Crosbie noted the comment in the letter (issue of the residents not suing) is something that troubled her. There is no way anyone can deprive the residents of their right to sue if they feel aggrieved.

Mr. Huth asked about the size of the project and if the \$1.2M is still the cost being considered or if the \$650K discussed earlier is being included. The Trust didn't have a definitive answer. The consensus is the project might be either around 40 units or around 200 units (if a deal can't be reached). Mr. Johnson said the project could also be 0, if it doesn't go forward. The Trust is trying to get community support for the 40 units.

Ms. Siedzik said she would be shocked if they can raise enough awareness of the issue so people understand that if the Town doesn't come up with \$1.2M to lower the size to 40, Harborlight can decide to take its ball and go, which could result in 200 units going in there. People outside of the room would most likely not understand that, she said, and it would be hard to get people mobilized before October.

Ms. Crosbie said while it makes sense to wait until spring, Harborlight is unwilling to wait.

Mr. Johnson asked Mr. Olson if he wanted to work with Mr. DeFranza on Draft 3. He said he is willing, but thought it made sense to have many hands on deck. Mr. Johnson asked the Trust if it would like him, Mr. Olson, and Mr. Fox to work on the next draft.

Ms. Crosbie advised them of different ways to proceed, including asking the Board of Selectmen (BOS) to open the warrant at its meeting on Aug. 20 and adding the warrant article. They don't need the actual article, but would need to add a placeholder for the funding of a commitment from Harborlight to reduce the number of units. The next meeting, at which the BOS would sign the warrant, would be Sept. 10. If the Trust think there's no way Harborlight will have something ready for STM on Oct.13, they can ask the BOS to withdraw it.

Mr. Massos said the Trust is going to have to word the article in such a way that makes it clear what they're trying to accomplish. Ms. Crosbie said she can include a summary statement on the warrant.

Decisions:

Mr. Johnson made a motion that the Trust ask the BOS to reopen the warrant on Monday, Aug. 20, and add a placeholder on the STM warrant for potentially funding a transaction with Harborlight Community Partners at Longmeadow Way. Mr. Massos seconded the motion. The Trust voted (4-0-1) *abstention from Mr. Tanzer.

Mr. Johnson made a motion that the Trust authorize Mr. Olson, Mr. Fox, and himself to pull together a transaction that meets the Selectmen's objectives in time for Sept. 10 when the BOS will approve and sign the warrant. Ms. Crosbie seconded the motion. The Trust voted (4-0-1) *abstention from Mr. Tanzer.

DISCUSSION OF CPC MEETING AND GRANTS TO CPC

Mr. Tanzer gave an overview of what had happened at the CPC funding meeting. The CPC voted (6-1) to deny the ask, which was \$200K or more, for the purpose of reducing the density at Longmeadow.

Mr. Johnson said the CPC had pushed the questions to the audience. The lessons learned, he said, were that the CPC has tight funding and bonding capacity. Also, the CPC felt strongly that the use of funds be toward construction not legal fees. They also didn't want CPC funds allocated to be tied up and not spent timely. Also, there was discussion at the funding hearing about whether the Town had a demographic need for affordable housing at 60% AMI, although CPC Chair Jay Butler wasn't comfortable saying that represented the feelings of the CPC as a board.

OTHER BUSINESS

Ms. Crosbie will be leaving the Town and passing on her duties to the new Town Manager. Mr. Johnson thanked her for getting up to speed so quickly. Mr. Tanzer added she was very nice to deal with. They wished her well in her retirement.

Mr. Tanzer presented an invoice dated Aug. 9 from Town Counsel Donna Brewer for legal fees in the amount of \$123 for services rendered on grant work. Mr. Olson made a motion to pay the invoice. Mr. Johnson seconded the motion. The Trust voted unanimously (4-0) to pay the invoice.

The next meeting will be Sept. 5 at 6 p.m. Mr. Johnson said it made sense to have a meeting that included just reviewing the minutes and going right to Longmeadow.

Mr. Massos suggested as a future agenda item, they revisit looking at the COA site, Patton Homestead site, and other sites.

ADJOURNMENT

Mr. Massos made a motion to adjourn the meeting at approximately 8:20 p.m. Mr. Olson seconded the motion. The Trust voted unanimously (5-0) to adjourn the meeting.