

Hamilton Affordable Housing Trust
September 24, 2018 – 6 p.m.
Town Hall—Memorial Room
Hamilton, MA

HAHT Members Present: Chair Russ Tanzer, Marc Johnson, and William Olson
HAHT Members Absent: William Massos
Town Manager: Joe Domelowicz
Town Staff Present: Hamilton Community Projects Coordinator Dorr Fox

Chair Russ Tanzer opened the Hamilton Affordable Housing Trust (HAHT) meeting at 6 p.m. with a quorum present. Approximately 12 people attended the meeting.

He commented that the last meeting had been mistakenly scheduled on a high Jewish holiday. He apologized for scheduling the meeting on that date. The meeting was subsequently cancelled.

MINUTES—AUGUST 13 AND AUGUST 28, 2018

Mr. Tanzer said the HAHT will forgo voting on the Aug. 13 Minutes (Joint Meeting with the BOS) until after the BOS has voted on them.

Marc Johnson made a motion to approve the Aug. 28 minutes. William Olson seconded the motion. The Trust voted (*3-0) to approve the Aug. 28 minutes. *Town Manager Joe Domelowicz did not vote because he was not a Trust member at that time.

LONGMEADOW PROJECT—LONGMEADOW WAY NEAR BAY ROAD—DISCUSSION OF TOWN MEETING WARRANT

CANTER BROOK ESTATES

Mr. Tanzer recused himself from the conversation because he is an abutter to the Longmeadow Way site.

Mr. Johnson said the Trust had asked the BOS to open the Special Town Meeting (STM) warrant and add the warrant article for \$1M; the source of funding was not defined at that point. Finance Director Marisa Batista and the Finance and Advisory Committee (FinCom) came back with a proposal to take 75% from Free Cash and 25% from the Stabilization Fund. The BOS had voted (3-2) to recommend favorable action on the article and send it to

Town Meeting floor. The FinCom did not recommend favorable action on the article. Since then, Selectman Scott Maddern has asked that they gain some understanding of the economics of the project. Also, the Planning Board met regarding Canter Brook Estates and had reached an agreement that Canter Brook will contribute \$435K to buy out their inclusionary obligation of including two units on site. According to the bylaw, that money (the \$435K) goes to the Trust. In light of this new development, it may be that the Trust should consider asking the BOS (or Town Meeting) for an amendment on Town Meeting floor to amend the \$1M ask to \$600K. He also noted that if this happens and the \$400K supplants the Stabilization Fund element, only Free Cash would be involved, which means only a 50% plus one plurality is needed rather than a two-thirds vote.

Mr. Domelowicz suggested that if that is the direction the Trust wants to go, someone should draft the amendment and propose it to the Town Moderator. Mr. Johnson suggested that Town Counsel review it first. Mr. Olson said it might need to be done in two motions—one for the amount and the other for the funding source. Mr. Johnson wasn't certain.

The Trust discussed the timing for receiving the money from Canter Brook. Coordinator Dorr Fox said it was his understanding some of the money would be received after the first 10 units were built and the rest would come at the end of the project. However, he noted, not all projects get built. If the Canter Brook project isn't built, the Trust wouldn't get anything.

Mr. Olson noted there is only one more Trust meeting prior to Town Meeting. He thought the Trust should "march on the path of" the original proposal in addition to looking at the amendment. Mr. Tanzer said the money from Canter Brook can't be counted on until it's in the bank. Mr. Johnson said, at this point they are going forward on the \$1M plan, but hopefully they can go with the amended, smaller ask. More clarity on the terms of the agreement between Canter Brook and the Planning Board is needed.

The Trust discussed that they need pros and cons for Town Meeting and will want to disseminate them to the public, as well, which would include posting them to the Town website. Mr. Olson said he'd be happy to work on the pros and cons list with Mr. Johnson. Mr. Johnson said he will send out the most recent draft of the bullet points, which included redlined changes. Mr. Johnson asked Mr. Domelowicz to speak with Town Counsel Donna Brewer about it. The only other thing to find out is if the Planning Board has addressed the terms. Mr. Fox will follow up on that. He will send them the terms, as well as a map of the Longmeadow site, which would be helpful for the public to have.

Bill Shields, 721 Bay Road, said he wanted the Trust to ask Town Counsel if the funds can be used to buy down affordable housing as opposed to building affordable housing. He noted that as of today, 18 days before Town Meeting, the Trust doesn't have a motion about what they will be doing. Mr. Johnson and Mr. Olson countered that by saying language had been drafted but wasn't in motion form yet. Mr. Shields asked if that was because they hadn't decided on the motion yet. Mr. Domelowicz said the draft of the motion that's written involves the \$1M ask with 75% from Free Cash and 25% from the Stabilization Fund. Trust members discussed that since then the Planning Board had agreed to terms

with Canter Brook, which will change the ask (in the Town's favor) and will also change the requirement of the number of votes needed for it to pass.

Mr. Shields wanted to know if Town Counsel had opined on whether the funds from Canter Brook could be used by the Trust for any purpose they want. Mr. Domelowicz said he would ask Ms. Brewer that question.

Mr. Shields said the BOS and FinCom had voted on the agreement (for the \$1M). He asked if they were now going to meet to vote on a different agreement (the one that included the Canter Brook payment). If so, he wanted to know when that would that happen.

Mr. Shields asked if there was an agreement between the Trust and Harborlight. Mr. Fox said that there was a draft of an agreement pertaining to \$300K for Longmeadow Way. He said Harborlight had looked at the agreement, but had not approved it. Mr. Shields quoted a newspaper article that said neither Andrew DeFranza nor the Harborlight Community Partners Board had any sentiment one way or the other about the project.

Mr. Shields asserted the Trust wanted money that actually totaled \$1.8M (not just \$1M). He questioned what had been expended for Willow Street and what the Trust was going to be representing to Town Meeting about that. Mr. Johnson said they were trying to pull together definitive options for Town Meeting to vote on. Mr. Shields asked if the Trust would vote on the article today. They said they already had voted on it. They had voted on the motion of \$1M to Town Meeting [the previous version in which the source of the funds wasn't specified]. Mr. Johnson said he'd also be in favor of voting on the new terms that lessen the ask from the Town. The Trust agreed it would be important to seek support from the BOS on it.

Mr. Fox asked if the Trust wanted to draft a grant agreement with the new terms between the Trust and Harborlight between now and STM. Previously the Trust held off on doing this. Mr. Johnson said he didn't think it made sense to do it because they don't have the funds yet to grant.

Bob Curry, 713 Bay Road, gave some history on the Farnham and Miller properties. He said Mr. DeFranza had held onto them and had been making payments to both Mr. Miller and Mr. Farnham. His said his guess is that Mr. DeFranza's intent was not to leave the two property owners hanging. He said he'd like the Trust to ask Mr. DeFranza to "come clean" on what he expects to happen with the Farnham property, since it will be worth very little once development takes place on the other lots. Mr. Tanzer responded that Mr. DeFranza had agreed to a one-mile non-compete and had expressed a willingness to adhere to certain specifications wanted by the neighbors, such as not considering Ortins Road as an access road.

Kate Walker, 89 Ortins Road, said all of the items were contingent on there being no appeal from the abutters and the agreement is just verbal. She voiced support for an agreement negotiated as an alternative to a 160- to 200-unit development.

Carol Shrock, 79 Ortins Road, expressed worry over Harborlight keeping its options open. Mr. Tanzer agreed Harborlight wasn't 100-percent committed. She wanted it clarified that the Trust was asking for \$1M for 40 units (or 48 units if the two homes sell for less than expected) and that if Harborlight receives the money, there would be no further development there.

Sallie Felton, 719 Bay Road, referred to bullet #4 in the terms, which says Harborlight would not abandon the idea of 200 units, even if Hamilton approves the \$1M allocation. However, once Harborlight accepts the Town's money, it would develop the project at the smaller size (40/48 units). Mr. Johnson said Harborlight is keeping the options open because it can't predict what the neighbors will do (regarding an appeal).

Ron Huth, 34 Maple Street, said that Harborlight was trying to work with the Town to develop 20 senior units at Willow Street, but had said it needed a "sister" site. Their mission is to build affordable housing, and they want to do it with Town support, he said. If the Town votes no on spending the \$1M (of the total cost of \$14M), then Harborlight will read it that the Town doesn't want to work with them.

Rosemary Kennedy, 61 Rust St., said she thought it remained unresolved in terms of an answer about whether the funds will be used to defend a lawsuit against abutters. Mr. Tanzer said the Trust has heard monies will not be expended for that. Mr. Olson said they all agreed that stipulation would appear in the grant agreement.

Regarding Canter Brook— Mr. Tanzer said the developer originally offered \$292K. The HAHT requested \$650K. Canter Brook agreed to pay \$435K. Mr. Fox said he will get further information from the Planning Board on the terms and conditions, including how and when the Trust would receive that money.

Mr. Olson said that Harborlight would like to work with the Town, but would do it with or without them. He said development would happen there either way and the question was whether they want to take control. He said he hoped they can be productive over the next couple of weeks and at Town Meeting. The option is that they could file a PEL (project eligibility letter) for a much larger project than anybody wants. Mr. Olson said if the Trust chose not to do anything then they wouldn't be fighting for the residents.

OTHER BUSINESS

The next meeting was set for Tuesday Oct. 9 at 6 p.m.

ADJOURNMENT

Mr. Johnson made a motion to adjourn the meeting at 6:59 p.m. Mr. Olson seconded the motion. The Trust voted unanimously (4-0) to adjourn the meeting.