



TOWN HALL  
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**DATE:** May 2, 2016

**TO:** Town Meeting

**FROM:** David Ziomek, Assistant Town Manager

**RE: ARTICLE 21: Transfer of Custody - Hawthorne Farm Affordable Housing  
(Select Board)**

On May 12, 2010, Amherst's Town Meeting approved the purchase of the nearly 7-acre Hawthorne property located at 235 East Pleasant Street. The property is adjacent to the Wildwood Elementary School and Regional Middle School, and is located close to downtown. The purchase was a culmination of months of work and research by the Leisure Services and Supplemental Education (LSSE) Commission, Housing Partnership/Fair Housing (HP/FH) Committee, and town staff. The Town Meeting vote appropriated \$500,000 from CPA Funds to purchase the property for the purposes of Open Space, Recreation, and/or Community Housing, and it also authorized the Select Board to acquire the property on behalf of the Town. This vote did not specify which portions of the property would be associated with each use.

After the acquisition, the Town, through its boards and committees and staff, undertook a public process to help refine the uses on the property. It was determined that affordable housing would be located along East Pleasant Street in the area of the farmhouse and barns. The farmhouse and main barn were assessed by professional architects, historians and engineers who concluded that the structures were not able to be rehabilitated for affordable housing. At the same time, the former Housing Partnership/Fair Housing Committee developed recommendations for the affordable housing based on community input:

- Two affordable units
- The size, scale and architectural style of housing should try to replicate the old farmhouse
- There should be a pedestrian easement along the southern boundary of the house property to connect East Pleasant Street to the back fields
- Residents of the affordable housing should be able to access the back of the property and have priority for any community gardens
- A small, permanent commemorative marker should be placed at the beginning of the foot path along East Pleasant Street that describes the history of the property as a farm and its significance within the community

During the Fall and Winter 2013-14, the Town prepared the site for new housing by demolishing the farmhouse and barn and rough grading the land. The Town also issued a Request for Proposals (RFP) seeking a developer to construct two units of affordable housing. In March 2014 Habitat for Humanity was selected to build and market the affordable units. Once the developer was selected, the Town split the Hawthorne property into the current house lot that is approximately one acre with the remaining property available for open space and/or recreation. The property was split through the Approval Not Required (ANR) process with the Planning Board and was approved in April 2014.

After a change of leadership at Habitat, they picked up the project in July 2014 to begin the design and permitting process. The project was reviewed by the Design Review Board, Historical Commission and Housing and Sheltering Committee, who provided comments and recommendations to the Planning Board. The Planning Board, through Site Plan Review, approved the construction of a duplex on the property in July 2015. The project was also reviewed and approved by the Conservation Commission due to wetlands on the property.

In the Fall 2015 Habitat installed the utility connections to the site as well as the building slabs. In order to perform this work, Habitat and the Town entered into a License Agreement that provided terms and conditions for the work, and safeguards on the behalf of the Town. The Town continued to own the property because of stipulations in the RFP and contract that stated the property would be transferred after Habitat had secured all financing and the Massachusetts Department of Housing and Community Development (DHCD) had approved the Regulatory Agreement. At this time these two conditions were pending.

Now, in 2016, Habitat has an approved marketing plan and selected one prospective homeowner. The Town and Habitat have also entered into a second license agreement to allow construction of the duplex on Town-owned property. This license agreement is backed by a surety bond. The Town, through the Select Board, has also sponsored Article 21, to allow the project to move forward. Habitat has satisfied all the conditions of the RFP and contract, and in order for the Town to transfer ownership of the property, there must be an affirmative vote of Town Meeting.

Article 21 asks Town Meeting to:

1. Acknowledge that the house lot will be used for affordable housing, which must be explicitly called out because the original vote to purchase the property did not identify this area for housing;
2. Authorize the Select Board to transfer or lease the property for affordable housing; and
3. Authorize the Select Board to accept an affordable housing restriction on the 1-acre house lot.

