



**Town of Hamilton Planning Board  
PO Box 429, 577 Bay Road  
Hamilton, MA 01936  
978-468-5584**

Minutes

March 5, 2013

**Welcome** – Chairman, Peter Clark opened the meeting at 7:30 PM. Planning Board members Rob McKean, Ed Howard, Rick Mitchell, Claudia Woods, Brian Stein and Joe Orlando were present. Planning Coordinator, Kristine Cheetham, was also present.

**Form A: Approval Not Required**

1. 74 & 80 Meyer Road – Tim Ford, the owner and applicant presented the Form A plan for the properties at 74 & 80 Meyer Road. Peter Kane, the civil engineer, was also present. The applicant proposed to re-establish lot configurations for Lots A & B on Assessors Map 31 parcels 5 & 55. The two lots were originally approved by the Planning Board in March 2006 but later merged due to banking issues. Both lots will meet the frontage and access criteria required for ANR approval. Members of the Board discussed the vegetated buffer on Lot B and the deed for access to the lot from the adjacent parcel.

R. Mitchell made a motion to approve the Form A.

B. Stein seconded

All voted in favor.

2. 77 & 79 Gardner Street – Peter Kane, a civil engineer, presented the Form A application for the properties at 77 & 79 Gardner Street. The applicant proposed to swap parcels A and B, both with 266.2 sq. ft., between two lots shown on Assessors Map 24, parcels 22 and 23. He stated that the purpose of the land swap was to allow for the construction of a garage on one of the parcels. The property did not receive zoning relief with regard to setbacks.

J. Orlando made a motion to approve the Form A.

R. McKean seconded the motion.

All voted in favor.

## **Release of Covenant**

641 Bay Road – Attorney Jim Kroesser represented the applicant who was seeking a partial release of the covenant associated with road work to be done at 641 Bay Road. Mr. Kroesser proposed to substitute Lot 6, the parcel with the large estate, for Lots 2&3 as collateral to complete the improvements of a 6” water main, a hydrant and the installation of a hammerhead turnaround.

The members had several concerns about the request to release the covenant.

P. Clark questioned the validity of the covenant and the subdivision because it had been so long since the approval.

Staff noted that the subdivision was approved and the covenant was legally filed with the Registry of Deeds. The covenant remains in effect until the Board votes to relieve it.

The Board also discussed the recent ANR approval for the six lots. The recent approval of up to six lots was contemplated and approved with the original subdivision in 1996. Therefore, the roadway was considered adequate at the time for such a subdivision of up to six lots, but with the anticipated road improvements mentioned in the covenant. P. Clark noted that the status of the road today is different than for the time of the approval.

The Board was unsure about the requested substitution of one lot, Lot 6, for the other two lots.

Chairman Clark requested that the Board continue the matter until the next meeting to secure answers from town counsel. Staff requested advice from town counsel on the application but had only heard back regarding the right of first refusal process. Town counsel confirmed that the process of right of first refusal does not impact the review of the release of covenant.

## **Public Hearing – Zoning By-Law Amendment:**

Amend the Date of the Senior Housing Sunset Clause

Chairman P. Clark read the public hearing notice for the zoning by-law amendment for the Senior Housing sunset clause. The amendment proposes to change the sunset date from May 6, 2013 to May 6, 2016.

There were no public comments on the amendment.

E. Howard voiced his support for the change to the sunset clause but noted that he does not favor senior only housing. He is a proponent of housing development that blends a community together.

R. Mitchell made a motion to close the public hearing.

B. Stein seconded.

All voted in favor.

## **New/Old Business**

- 91 Gardner Street & Bancroft Way – Residents of 91 Gardner St, Larry and Rebecca McNeil, presented a letter and appeared before the Board regarding their concerns with their neighbor’s vegetated buffer. They have been unsatisfied with the buffer for many years. They stated that they would be installing a privacy fence along their property to provide a visual screen. The Board was very supportive of their solution and wished them well.
- 641 Bay Road – Right of First Refusal Sub-Committee Appointments  
Chairman Clark noted that the sub-committee held an initial meeting on Tuesday, March 5, 2013 at 7:30 AM to begin the discussion of the right of first refusal for the Pirie property at 641 Bay Road. The Selectmen requested that two members of the Planning Board attend the committee meetings. C. Woods and P. Clark both attended the meeting. P. Clark noted that the Board should officially vote on the designees to this sub-committee. E. Howard stated that he is tentatively representing the Historic District Commission.  
R. McKean stated that he is very interested in the matter but cannot make the meetings as scheduled for the early mornings. He shared his concerns about the project with the Board and the representatives to the sub-committee. Rob noted that the school committee was not sure about their future needs and plans regarding school(s) locations. Therefore the concept of using the Pirie property for a new school may be unfounded. He also felt that this process seemed to lack planning and vision. Although the process is a requirement, he would prefer that the vision for housing development, capital improvements, and the purchase of property by the town be part of a larger master plan. He wondered about progress with the Patton property. He concluded by asking the Planning Board representatives to request clearly defined public benefits.  
  
E. Howard made a motion to nominate Peter Clark and Claudia Woods to the sub-committee.  
J. Orlando seconded the motion  
All voted in favor.
- Housing Production Plan Update – Staff noted that a revised draft of the Housing Production Plan should be available for review prior to the next meeting

## **Adjourn**

R. Mitchell made a motion to adjourn at 9 PM. R. McKean seconded. All voted in favor.