

**HAMILTON PLANNING BOARD
MINUTES OF MEETING
December 16, 2014**

Members Present: Peter Clark, Ed Howard, Rob McKean, Rick Mitchell, and Claudia Woods

Planning Director: Patrick Reffett

Others Present: Tom Ford, Miranda Gooding, David Kagan, Gatey Kagan, Jen Scuteri, Jeff Scuteri, Rosemary Kennedy, Michael Lombardo, Bill Redford, and Bill Dery

This meeting was called to order at 7:30 p.m.

Minutes:

October 19, 2014 Review next time

November 18, 2014 Review next time

December 2, 2014 Review next time

Senior Housing Special Permit Patton Estate/Homestead 650 Asbury St.

Bill Lathom, attorney for the applicant requested a continuance until January 6, 2015.

Vote: Unanimous to continue.

568 Bay Road. Approval Not Required (ANR) Plan

Miranda Gooding, Attorney for Tom Ford described the project, the location, and the two new lots as portrayed on the proposed ANR plan submitted to the Town by Mr. Ford. Board Member Claudia Woods asked if the west lot was buildable. Mr. Ford responded "yes" and made the point that the preliminary plan for the adjoining Made Pony property / project was not on the agenda and should not be referenced as part of the ANR review process or discussion. Mr. Ford discussed abutter concerns and his attempts to try to address those concerns.

The Board asked for public comment. Peter Brooks, attorney representing David and Gatey Kagan, made comments citing perceived site deficiencies and continued that the plan did not provide a buffer to the Kagan property, did not meet zoning requirements, did not resolve associated flooding problems and other concerns. Attorney Miranda Gooding, in response, representing Ford said the plans met the requirements for an ANR. Mr. Brooks said his client would appeal and wanted to see driveways and other building related matters. Patrick Reffett advised the Board that the project in front of the Board met the Town's and the State's requirements for an ANR submission. Reffett read the required ANR plan quotations stating that the Planning Board's approval did not constitute town approval for zoning purposes or as a buildable lot. Reffett again made

mention that the plan was sufficient and recommended that the Board approve the ANR plan. Member Peter Clark asked regarding whether the Town's ANR by-law "trumped" the State's regulations regarding an ANR. Member Rick Mitchell said he accepted what the Planning Director had made recommended and believed that the ANR criteria had been met. Member Ed Howard voiced his opinion that he believed the ANR criteria had been met. Rick Mitchell made a motion to accept the ANR plan as submitted. Claudia Woods seconded. Vote: Unanimous approval.

Cutler Property Informal Discussion

Alle Cutler and Ed Dick, realtors for the property owner(s), both described the property and the intent to work with the Town for a favorable outcome of the property's development. Ms Cutler and Mr. Dick described the property, its general location off of Asbury St., the overall property, the presence of wetlands, uplands, and the access to and from the property. There were five parcels held in trusts. Some of the property was located within the R1A zoning district and some of the property was located in the R1B zone. Mr. Dick offered a site walk to the Planning Board members to have them acquire a better familiarity of the property. Rob McKean thanked the realtor for the offer, but noted that without a specific proposal, the Board would not be able to comment. Patrick Reffett mentioned that it was important to remember that the open meeting law would only allow three members at a time at a site walk unless the Board held a formal posted meeting. The Board expressed their desire to remain open minded and be able to entertain potential projects as they came forward. Member Rick Mitchell said that access to a future development at the property assemblage would be a significant issue with traffic impacts being imposed on existing neighborhoods and recognized this was often a sensitive issue to address. Selectman Scuteri and the Board was appreciative that Ms. Cutler and Mr. Dick had come to the board to openly discuss the start of a marketing process for the property and a desire to see the eventual development being a positive contribution to the town.

Proposed By-law Changes

Revising Senior Housing By-law regarding GPOD Zoning By-law

Reffett brought the discussion forward because he desired clarification from the Board relative to a proposed change to the bylaw which had been proposed by Chairman Melick at the prior meeting. Mr. Reffett wanted to confirm the Board's stance on the proposed change. The Board reminded Mr. Reffett that the Board had voted "No Action" on this particular item on December 2, 2014 and would not take it back up based on that prior vote.

Site Plan Review By-law change

Planning Director Reffett recalled the prior Planning Board meeting (December 2, 2014) in which the Citizens Petition proposing modifications to the Site Plan Review Bylaw Change did not receive a vote in the prior meeting as two Planning Board members had signed the petition in support of the article. Consequently Board Chairman Melick wanted (in the prior meeting of December 2, 2014) to protect the Board's ability to offer input regarding the article without legal issue and had requested Town Counsel's opinion

and advice regarding how to address the matter. Patrick Reffett noted that he and Chairman Melick had received e-mails from Town Counsel Donna Brewer indicating that the two Board members possessed the ability to sign such petitions in support of such articles but it was important for them to sign appropriate disclosure statements. The Board then voted favorably to support the By-law change.

Peter Clark asked if the Planning Board needed to have proposed bylaw modification hearings once or twice. Patrick Reffett noted that it was only once.

Changing Town Maps/GPOD Zoning District to reflect Capping of Patton Well

Patrick led the Board through the handouts regarding the need to modify the Groundwater Protection Overlay District (GPOD) on the official town map. This is necessary in order to be consistent with MA DEP changes to the Zone II Map which is in response to having capped the Patton Well as well as addressing DEP requirements in accordance to a correspondence received by the Town previously on April 26, 2013. After much discussion Member Claudia Woods made motion to reflect the MA DEP delineation of Zone II and the GPOD as reflected on the submitted plan (as prepared by Weston & Sampson and dated January 2013). Member Rick Mitchell seconded the motion. Vote: 4 – Yea; 1- Opposed.

Discussion Regarding Possible Changes to Communication Towers & Antennae

Facilities Reffett introduced the topic of the need for the Town to have better cell phone service and advised the Board that cellular communication was a critical component of public safety. Director Reffett asserted that Hamilton had great limitations within its cellular bylaw that impeded this important public safety element. He recommended the Town make two simple numerical changes to the by-law; the first of which was to allow towers to be 110' in height and the second recommendation was to reduce the distance from a tower to a closest building to 200' feet rather than the existing 500' feet which would be often unattainable. Extensive discussion occurred.

Claudia Woods asked what were other communities' height requirements. Mr. Reffett stated that Newburyport allowed 150' while Ipswich allowed 120'. Ms. Woods asked what were some of the more limiting communities' height requirements. Mr. Reffett stated that Wenham allowed for basically the height of existing building plus 5' which Reffett believe would unfortunately result in poor service and/or highly prevalent pieces of equipment throughout a community. Mr. Reffett added that he was in discussion with cell phone providers to determine what heights were required to provide an appropriate level of local service and would get a more definitive "fix" on what was needed from cell service providers.

Board Business – Snow Plowing/Private Ways; Consider three meetings per month., etc.

Bill Redford provided the Board with a verbal report regarding how the Town looked at maintenance of private ways and advised the Board that it was important for applicants in the future to understand that those who proposed unapproved roadways would be responsible to maintain and undertake snow plowing on their own.

Claudia Woods stated her concern about three meetings a month. Other members appeared to agree with her opinion. Additionally members were unreceptive to having a meeting on December 30, 2014.

Next Meeting Date(s) – January 6, 2015, January 20, 2015

Unanimous vote to adjourn at 9:55 pm.